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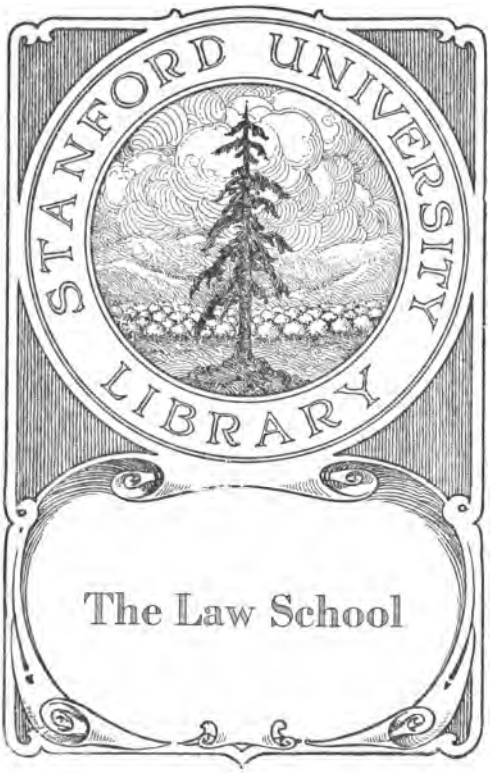
FROM
THE BULLETIN
BOOK-BINDERY,
Leavenworth, Kansas.



Kauva

THE LAWS

OF THE

STATE OF KANSAS;

PASSED AT THE

FIFTH SESSION OF THE LEGISLATURE,

COMMENCED AT THE STATE CAPITAL, ON TUESDAY, JANUARY 10, 1865,

TOGETHER WITH

LISTS OF STATE OFFICERS AND MEMBERS AND OFFICERS OF BOTH BRANCHES OF THE LEGISLATURE.

TOPEKA, KANSAS:
S. D. MACDONALD & CO., PRINTERS TO THE STATE.
1865.

2620

364788

AUTHENTICATION.

I, R. A. Barker, Secretary of the State of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of the enrolled laws on file in my office, which were passed at the regular session of the State Legislature, held in the months of January and February, A. D. 1865, with the exception of the clerical errors appearing inclosed in brackets; and I do further certify that all laws contained in this volume, not taking effect from their passage or publication in some newspaper, as per certificates thereto annexed, will take effect and be in force from and after the 19th day of June, A. D. 1865.

Given under my hand and seal of office, this 19th day of June, A. D. 1864.

[SEAL.]

R. A. BARKER,
Secretary of State.

STATE OFFICERS.

GOVERNOR:

S. J. CRAWFORD,.....Garnett, Anderson County.

LIEUTENANT GOVERNOR:

JAMES McGREW,.....Wyandotte, Wyandotte County.

SECRETARY OF STATE:

R. A. BARKER,.....Atchison, Atchison County.

AUDITOR:

J. R. SWALLOW,.....Emporia, Lyon County.

TREASURER:

WILLIAM SPRIGGS,.....Garnett, Anderson County.

SUP'T PUBLIC INSTRUCTION:

I. T. GOODNOW,.....Manhattan, Riley County.

ATTORNEY GENERAL:

J. D. BRUMBAUGH,.....Marysville, Marshall County.

JUDICIARY.

CHIEF JUSTICE:

ROBERT CROZIER,.....Leavenworth, Leav. County.

ASSOCIATE JUSTICES:

JACOB SAFFORD,.....Topeka, Shawnee County.
L. D. BAILEY,.....Clinton, Douglas County.

DISTRICT JUDGES:

DAVID J. BREWER, (1st district,).....Leavenworth, Leav. County.
ALBERT H. HORTON, (2d district,).....Atchison, Atch. County.
C. K. GILCHRIST, (3rd district).....Topeka, Shawnee County.
D. M. VALENTINE, (4th district,).....Ottawa, Franklin County.
JOHN H. WATSON, (5th district,).....Emporia, Lyon County.

THE LEGISLATURE.

List of Members and Officers of the Senate.

Members and Officers.	Age	Post Office Address.	County.	Avocation.
JAMES McGREW, Pres't,	43	Wyandotte.	Wyandotte.	Merchant.
BARTLETT, H. W. K.,	40	Junction City.	Davis.	Merchant.
BARBER, OLIVER,	48	Kanwaka.	Douglas.	Farmer.
COLTON, G. A.,	35	Paola.	Miami.	Farmer.
DANFORD, A.,	35	Fort Scott.	Bourbon.	Lawyer.
DRENNING, F. H.,	28	Elwood.	Doniphan.	Lawyer.
ESKRIDGE, C. V.,	30	Emporia.	Lyon.	Merchant.
FOOTE, HENRY,	36	Leavenworth.	Leavenw'th	
GAMBELL, W. P.,	33	Leavenworth.	Leavenw'th	Attorney.
GROVER, O. J.,	37	Neuchattel.	Nemaha.	Farmer.
HOUSTON, D. W.,	37	Garnett.	Anderson.	Lawyer.
HORNE, D. H.,	36	Topeka.	Shawnee.	Farmer.
JONES, J. H.,	37	Kaw City.	Jefferson.	Farmer.
LEGATE, J. F.,	36	Leavenworth.	Leavenw'th	Farmer.
LANE, J. T.,	33	Iowa Point.	Doniphan.	Merchant.
MANNING, E. C.,	26	Marysville.	Marshall.	Printer.
MILHOAN, T. E.,	32	Olathe.	Johnson.	Farmer.
MURPHY, THOMAS,	36	Atchison.	Atchison.	Hotel k'per.
POTTER, F. W.,	31	Burlington.	Coffey.	Laborer.
QUIGG, M.,	28	Atchison.	Atchison.	Clerk.
SPEER, S.,	48	Hiawatha.	Brown.	Farmer.
SPEER, JOHN,	47	Lawrence.	Douglas.	Printer.
SMITH, A. H.,	37	Blooming Grove.	Linn.	Farmer.
TWISS, CHARLES P.,	31	Iola.	Allen.	Lawyer.
WEER, WILLIAM,	40	Wyandotte.	Wyandotte.	Lawyer.
A. S. DEVENNEY, Secretary,	30	Olathe.	Johnson.	Lawyer.
W. S. NEWBERRY, Ass't Sec'y	30	Iola.	Allen.	Lawyer.
M. M. MURDOCK, Docket Cl'k	29	Burlingame.	Osage.	Editor.
IRA H. SMITH, Journal Clerk,	49	Topeka.	Shawnee.	Land agent.
L. M. BENEDICT, Engros'g Clk	34	Vienna.	Potawat'm'e	Farmer.
W. B. BOWMAN, Enrolling Clk	35	Wyandotte.	Wyandotte.	Lawyer.
T. MILLS, Sergeant-at-Arms,	51	Topeka.	Shawnee.	Mason.
WM. THOMPSON, Doorkeeper	32	Topeka.	Shawnee.	Farmer.
WM. YOUNG, Ass't Doork'per	23	Topeka.	Shawnee.	Mason.
CLARENCE WALROD, Page,	12	Paola.	Miami.	Student.
CHARLES HORNE, Page,	11	Topeka.	Shawnee.	Student.

Members and Officers of House of Representatives.

Members and Officers.	Age.	Post Office Address.	County.	Avocation.
JACOB STOTLER, Speaker	30	Emporia.	Lyon.	Printer.
ABRAHAM, R. H.,	37	Emporia.	Lyon.	Farmer.
ATWOOD, SAMUEL F.,	34	Leavenworth	Leavenw'th	Conveya'cer
BENTON, MILTON R.,	49	Atchison.	Atchison.	Farmer.
BROADHEAD, J. F.,	34	Mound City.	Linn.	Lawyer.
BROWNE, O. H.,	45	Ridgeway.	Osage.	Farmer.
CALLEN, A. A.,	32	Junction City.	Davis.	Lawyer.
CAMPBELL, D. G., of 33d,	44	Shawnee.	Johnson.	Farmer.
CAMPBELL, D. L., of 51st,	40	Mapleton.	Bourbon.	Merchant.
CAVENDER, H.,	31	Garnett.	Anderson.	Merchant.
CHRISTY, J. A.,	52	Iola.	Allen.	Farmer.
CHURCH, R.,	55	Westmoreland.	Potaw'mie.	Farmer.
CLEAVINGER, L. D.,	44	Fort Scott.	Bourbon.	Physician.
COFFINBERRY, CHAS. C.	36	Lincoln.	Nemaha.	Farmer.
COOK, HUGH A.,	37	Minneola.	Franklin.	Farmer.
CRAIG, WARNER,	28	Black Jack.	Douglas.	Farmer.
DARBY, RUFUS,	49	Washington.	Washington	Farmer.
DETRICK, D.,	49	Highland.	Doniphan.	Farmer.
DILLE, C. L.,	48	Lanesfield.	Johnson.	Farmer.
DRAPER, WILLIAM,	33	Clinton.	Douglas.	Farmer.
DUTTON, M. R.,	34	Oskaloosa.	Jefferson.	Farmer.
FAIRCHILD, G. H.,	31	Atchison.	Atchison.	Banker.
FINN, DANIEL C.,	28	Syracuse.	Wilson.	Lawyer.
FOSTER, ROBT. COLE,	30	Leavenworth.	Leavenw'th	Laborer.
FLETCHER, JAMES,	35	Tecumseh.	Shawnee.	Farmer.
GLICK, CHAS. S., of 31st,	32	Wyandotte City.	Wyandotte.	Lawyer.
GLICK, G. W., of 6th,	38	Atchison.	Atchison.	Attorney.
GOSS, WILLIAM,	34	Blooming Grove.	Linn.	Farmer.
GRISWOLD, NELSON,	44	Turkey Creek.	Bourbon.	Farmer.
GWARTNEY, THOS. O.,	42	Easton.	Leavenw'th	Farmer.
HANWAY, JAMES,	56	Lane.	Franklin.	Farmer.
HARVEY, JAMES M.,	31	Fort Riley.	Riley.	Farmer.
HENDRICK, A. B.,	35	Rising Sun.	Jefferson.	Farmer.
HODGSON, J.,	59	Paris.	Linn.	Farmer.
HOUTS, W. L.,	33	Paola.	Miami.	Merchant.
HUGHES, N. B.,	31	Salina.	Salina.	Physician.
JORDAN, MICHAEL,	45	Leavenworth.	Leavenw'th	Hotel k'per.
KARR, WILLIAM,	51	New Lancaster.	Miami.	Farmer.
KENNEDY, J. R.,	41	Lawrence.	Douglas.	Farmer.
KENNEDY, LAWRENCE,	47	Pleasant Ridge.	Leavenw'th	Farmer.
KOHLER, C.,	30	Junction.	Dickinson.	Smith.
LELAND, Jr., CYRUS,	23	Troy.	Doniphan.	Soldier.
LEONARD, M. R.,	37	Bazaar.	Chase.	Physician.

Members and Officers.	Age.	Post Office Address.	County.	Avocation.
LOOMIS, A. J.,	39	Twin Springs.	Linn.	Farmer.
LOWE, E.,	53	Doniphan.	Doniphan.	Farmer.
MACDONALD, S. D.,	39	Topeka.	Shawnee.	Printer.
MARTINDALE, WM.,	29	Madison.	Greenwood.	Farmer.
McCLELLAN, J.,	44	Holton.	Jackson.	Farmer.
MEAD, JAMES R.,	28	Towanda.	Butler.	Merchant.
MOODY, JOEL,	31	Belmont.	Woodson.	Lawyer.
MORROW, WILLIAM,	37	Lecompton.	Douglas.	Merchant.
O'BRIEN, T. M.,	34	Leavenworth.	Leavenw'th	Mil'ry Att'y
PAGE, F. R.,	32	Neosho Rapids.	Lyon.	Farmer.
PAYNE, D. L.,	28	Columbus.	Doniphan.	Farmer.
PERRY, WILLIAM B.,	24	Leroy.	Coffey.	Merchant.
RAWLINGS, N. P.,	39	Robinson.	Brown.	Farmer.
RIDDLE, ROBERT,	36	Grasshop'r Falls.	Jefferson.	Farmer.
RICE, H.,	39	Osawatomie.	Miami.	Farmer.
ROGERS, H. D.,	33	Humboldt.	Neosho.	Laborer.
RUSSELL, ED.,	32	Elwood.	Doniphan.	Farmer.
SAMMONS, I. D.,	30	Albany.	Nemaha.	Stock raiser
SALISBURY, J. P.,	40	Leavenworth.	Leavenw'th	Farmer.
SCUDDER, E. S.,	47	Willow Springs.	Douglas.	Farmer.
SHEPHERD, H. D.,	26	Wilmington.	Wabaunsee.	Merchant.
SMITH, HENRY,	34	Leavenworth.	Leavenw'th	Merchant.
SNYDER, S. J. H.,	52	Monrovia.	Atchison.	Farmer.
STAFFORD, E.,	36	Spring Dale.	Leavenw'th	Physician.
SPENCER, J.,	34	Council Grove.	Morris.	Farmer.
STEWART, WATSON,	38	Humboldt.	Allen.	Farmer.
STORCH, GEORGE,	30	Kennekuk.	Atchison.	Merchant.
STRATTON, C. H.,	36	De Soto.	Johnson.	Farmer.
STRONG, N. Z.,	37	Fort Scott.	Bourbon.	Lawyer.
SUTHERLAND, D. H.,	46	New Eureka.	Brown.	Farmer.
SWIFT, F. B.,	30	Lawrence.	Douglas.	Printer.
THROCKMORTON, JOB,	30	Burlington.	Coffey.	Farmer.
WELLS, JOHN D.,	34	Barrett.	Marshall.	Farmer.
WEST, A. G.,	43	Ozark.	Anderson.	Farmer.
D. B. EMMERT, Chief Clerk,	28	Fort Scott.	Bourbon.	Publisher.
FREEMAN BELL, Ass't Clerk,	31	Topeka.	Shawnee.	Farmer.
C. S. LAMBDIN, Journal Clerk,	56	Plymouth.	Lyon.	Farmer.
J. McREYNOLDS, Docket Clerk	32	Paola.	Miami.	Printer.
D. F. DRINKWATER, Eng. Cl'k	27	Cedar Point.	Chase.	Farmer.
JOHN T. COX, Enrolling Clerk	44	Ottumwa.	Coffey.	Lawyer.
J. E. FOLLANSBEE, As. Jo'l Cl'k	25	Topeka.	Shawnee.	Teacher.
J. D. FARREN, Serg't-at-Arms	54	Lawrence.	Douglas.	Teacher.
THOS. ARCHER, As. Ser.-at-Ar.	31	Topeka.	Shawnee.	Merchant.
M. B. CRAWFORD, Doorkeeper	28	Topeka,	Shawnee.	Carpenter.
C. T. K. PRENTICE, As. Door'r	17	McKinney's.	Douglas.	Farmer.
WILLIAM MILLER, Page,	18	Ridgeway.	Osage.	Farmer.
ALBERT L. BARTLETT, Page,	12	Neosho Rapids.	Lyon.	Farmer.
WM. R. GRIFFITH, Page,	16	Topeka.	Shawnee.	Farmer.

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LAWS OF KANSAS.

CHAPTER I.

APPROPRIATIONS FOR LEGISLATIVE EXPENSES.

AN ACT making appropriations for current Legislative expenses for the year Anno Domini one thousand eight hundred and sixty-five.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated for the purposes herein named for the year Anno Domini one thousand eight hundred and sixty-five: For per diem allowance for members of the Legislature, sixteen thousand dollars; for allowance for President of the Senate, four hundred dollars; for extra allowance for Speaker of the House of Representatives, one hundred and fifty dollars; for mileage of the members of the Legislature, four thousand dollars: *Provided*, that no money be paid to any member or officer of the Legislature for the time when absent from the capitol while the respective branch of which he is a member is in session, except in case of sickness or [when] otherwise directed; for chaplains of Senate and House, three hundred dollars; for officers and messengers of the Senate and House, four thousand dollars; for fuel and lights for Legislative halls, two hundred dollars; for Legislative printing, fifteen hundred dollars; for printing public documents, six hundred dollars.

SEC. 2. The Auditor of State is hereby authorized to issue his warrants upon the Treasurer of State, for the purposes Duty of Auditor.

and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts as may be presented properly authenticated by affidavits.

SEC. 3. This act shall be in force from and after its publication once in the Daily State Record.

Approved January 31, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Daily State Record for Feb. 2, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER II.

APPROPRIATION FOR PENITENTIARY.

Be it resolved by the Legislature of the State of Kansas:

SECTION 1. That there shall be appropriated out of the penitentiary fund the sum of four thousand dollars, or so much thereof as may be necessary, to reimburse John McCarthy for the fifteen per cent. retained by the State on the contract for the building of the said penitentiary.

SEC. 2. That the Lieutenant Governor of the State and Robert G. Elliott, of Jefferson county, Kansas, and Daniel Howell, of Atchison city, are hereby constituted a board of commissioners, whose duty it shall be to examine into the whole matter pertaining to said contract, and, if in their judgment it shall be thought by said board [that] the said McCarthy has lost money upon the contract for that portion which he has done, they shall have power to reimburse said McCarthy for so much as they shall find he has been the loser, and the said board shall have power to release the said

McCarthy from the contract and all obligations therein entered into; and they are hereby authorized to draw upon the Treasurer, and the Treasurer is hereby required to pay such draft or warrant of said board, for that purpose, out of the penitentiary fund: *Provided*, the whole sum shall not exceed the sum of nine thousand dollars; and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 3. This shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 17, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER III.

APPROPRIATIONS FOR CURRENT EXPENSES.

AN ACT making appropriations for the current expenses of the fiscal year ending November 30th, 1865.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes hereinafter named, for the fiscal year ending November 30th, 1865.

FOR EXECUTIVE DEPARTMENT.

Governor's salary, two thousand dollars.

Private Secretary's [salary], one thousand two hundred dollars.

Blank books, twenty-five dollars.

Contingent expenses, three thousand dollars.

Postage, one hundred dollars.

SECRETARY OF STATE'S DEPARTMENT.

Secretary's salary, fifteen hundred dollars.

Chief clerk, twelve hundred dollars.

Postage, one hundred dollars.

Stationery for State, twelve hundred dollars.

Express charges, two hundred dollars.

Freight on laws, twenty-five dollars.

Wood and lights for use of State, six hundred dollars.

Water for State officers and Legislature, seventy-five dollars.

Blank books, one hundred dollars.

Contingent expenses, three hundred dollars.

Charles Clarkson, addition to last year's salary as chief clerk of secretary, two hundred dollars.

STATE AUDITOR'S DEPARTMENT.

Auditor's salary, fifteen hundred dollars.

Clerk hire, twelve hundred dollars.

Postage, seventy-five dollars.

Contingent fund, two hundred dollars.

STATE TREASURER'S DEPARTMENT.

Salary of Treasurer, twelve hundred dollars.

Salary of clerk, one thousand dollars.

Postage, fifty dollars; postage due on the fourth quarter of 1864, nineteen dollars and seventy-five cents.

Contingent expenses, one hundred dollars.

SUPERINTENDENT OF PUBLIC INSTRUCTION'S DEPARTMENT.

Salary, twelve hundred dollars.

Traveling expenses in 1865, five hundred dollars, to be drawn upon an itemized account, to be verified by the affidavit of the Superintendent.

Deficiency in traveling expenses in 1864, one hundred and sixty-six dollars and thirty-five cents.

Postage, fifty dollars.

ATTORNEY GENERAL'S DEPARTMENT.

Salary, one thousand dollars. Postage, fifty dollars.

ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General, fifteen hundred dollars.

Clerk hire, two thousand dollars.

Postage, two hundred dollars.

Blank books, three hundred dollars.

Office furniture, one hundred dollars.

Office rent, one hundred and fifty dollars.

Traveling and contingent expenses, two hundred and fifty dollars.

Rent of armory and arsenal, five hundred dollars.

For repair of arms and pay of armorer, four hundred dollars.

For addition to law library, one thousand dollars, which said sum shall be drawn upon the order of the Chief Justice of the State.

LEGISLATIVE EXPENSES.

For payment of per diem and mileage of contestants for seats in both Houses, and for additional allowances of pay to members, officers and messengers, eighteen hundred dollars.

Macdonald & Baker, for nine hundred and ninety-two copies of the Daily State Record, nineteen hundred and eighty-four dollars.

For transcribing of the journals of the two Houses, eight hundred dollars.

For State printing for 1865, ten thousand dollars.

MISCELLANEOUS.

Three thousand dollars, or so much thereof as shall be necessary, is hereby appropriated, to defray the expenses of the military service in the State, and said money to be drawn upon requisition of the Governor, upon affidavit and proof of services actually rendered, as per account rendered: *Provided*, that no part of said sum shall be appropriated to clerk hire.

For premium on manufacture of salt, one thousand dollars.

For taking the census, two thousand dollars.

For boarding, clothing and guarding State prisoners, seven thousand five hundred dollars.

That the sum now in the treasury heretofore appropriated for the construction of the penitentiary be and the same is hereby re-appropriated for the continuance of work on the

penitentiary, and that the sum of seven thousand five hundred dollars herein appropriated for boarding, clothing, &c., State convicts, [be] and the same may be, at the discretion of the board of directors, used for the purpose of the construction of the penitentiary.

Paymaster and Inspector General's salary, one thousand dollars.

Books and blanks, two hundred and fifty dollars.

Stationery for use of office and the headquarters of the Major General and the several Brigadier Generals and regimental commanders, two hundred and fifty dollars.

QUARTERMASTER GENERAL'S DEPARTMENT.

Quartermaster General's salary, one thousand dollars.

JUDICIARY DEPARTMENT.

Salary of Chief Justice, eighteen hundred dollars.

Salary of two Associate Judges, three thousand dollars.

Reporter of the Supreme Court, five hundred dollars.

Salaries of five District Judges, seven thousand and five hundred dollars.

Salary of Judge of criminal court of Leavenworth county, five hundred dollars.

Officers of Supreme Court, and for stationery, fuel and contingent expenses thereof, fifteen hundred dollars.

For pay of law librarian, one hundred and fifty dollars.

For deficiency in appropriation of 1864 for the payment of the printing and binding of the first volume of reports of Supreme Court, five hundred and fifty dollars.

For the printing, stitching and binding of the second volume of the Supreme Court reports, two thousand five hundred dollars.

That the bonds heretofore ordered issued for the payment of claims for services in militia in the years prior to 1864, and for the year 1864, be and the same are hereby appropriated for the payment of militia claims arising prior to the 1st of October, 1864, [and] all such sums of moneys now in the hands of the Paymaster General be and the same are hereby placed under the order of the Governor, to be used in payment of such military claims for the years prior to October, 1864, as may be deemed necessary.

For clerk hire for military commission for auditing military claims for 1861, 1862 and 1863, three hundred and fifty dollars.

S. B. Dodge, freight on stationery, eight dollars and fifty cents.

O. F. Reed, freight on stationery, &c., ten dollars and fifty cents.

Fred. Ortman, clock for Senate, and repairing clock for Representative hall, twenty-seven dollars.

Kellam Brothers, lamps, lamp fixtures, &c., one hundred and eight dollars and twenty-five cents.

Eddy & Arnold, oil and oil barrel, sixty-seven dollars and sixty cents.

C. C. Whiting, rent of committee and clerk rooms, fifty dollars.

Sam. Chase, freight on stationery, coal, &c., thirteen dollars and seventy-five cents.

Wykoff & Stringham, for glass and glazing, and for signs for different departments, eighteen dollars and five cents.

George W. Anderson & Co., for pitchers, pails, brooms, &c., twenty-one dollars and twenty-five cents.

J. B. Billings, brooms, brushes, stove blacking, &c., four dollars and sixty cents.

Hamilton & Veale, for cambric, curtain cord, brooms, matches, &c., fourteen dollars and twenty-seven cents.

S. Dodsworth, for one hundred and fifty boxes, covered and lined, seventy dollars.

Smith & Farnsworth, for hardware, stoves, pipe, zinc, &c., two hundred and eighty-two dollars and forty-one cents.

F. B. Swift, for expenses in visiting State penitentiary, under joint or concurrent resolution, fifty-one dollars.

M. R. Benton, for expenses incurred in visiting State penitentiary, under concurrent resolution, fifty-six dollars.

M. Quigg, for visiting State penitentiary, under concurrent resolution, one hundred dollars.

McGowan & Dillingham, for chairs, tables, bill holders, &c., sixty-seven dollars and ninety cents.

Hugo Kullak, for labor and materials in repairing State offices, furniture, &c., one hundred and twenty-nine dollars.

G. J. Parks, for medicine for State convicts, one hundred and four dollars and sixty-five cents.

S. W. Jones, for medical attendance on State convicts, three hundred and eighty-three dollars.

Thomas Carney, reimbursement, for postage, twenty-eight dollars and forty-four cents; for military telegraphic dispatches, one hundred and thirty dollars and eighty-nine cents; for funds expended in negotiating bonds, eighteen hundred and ninety-five dollars.

For printing, stitching and binding one thousand copies of the Adjutant General's report for the year 1864, five thousand dollars, to be ascertained by the Secretary, Auditor and Treasurer, at the customary rate of printing, stitching and binding at the time the contract was made for the printing of the report.

For printing laws, journals and public documents for 1864, at regular rates of printing and paper at the time the work was done, eight thousand dollars, to be ascertained by the Auditor of State, Secretary of State and Treasurer of State in lieu of the appropriation made in the act of March 1st, 1864.

J. M. Funk, for services as doorkeeper [of the] Wyandotte constitutional convention, seventy-five dollars.

Treasurer of Nemaha county, for seal of district court for said county, eleven dollars.

For payment of claims for military printing for the years 1864 and 1865, one thousand dollars.

For planting trees on capitol grounds, three hundred dollars.

For L. Crawford, for care committee and clerk rooms, sixty-four dollars.

For J. J. Boyd, for copying reports of board of commissioners to audit military claims and furnishing blank books therefor, one hundred and fifty dollars, to be drawn by the commissioners.

For insurance on State Agricultural College, one hundred and twenty-five dollars.

For C. K. Holliday, deficiency in salary for the year 1864, two hundred and fifty dollars.

For H. T. Beman, deficiency in salary for the year 1864, three hundred dollars.

For David Ware, services in and about State offices, two hundred and eighty-nine dollars and fifty cents.

For Mrs. N. B. Bronston, stitching, folding and covering official reports [of] State officers, one hundred and eight dollars and twenty-five cents.

For Dr. S. W. Jones, deficiency in appropriation for medical attendance on State convicts for [the] year 1863, one hundred and fifty dollars.

T. H. Fletcher, stationery for the House, twenty-five dollars.

For G. O. Wilmarth, stationery, Feb., 1865, one hundred and fifty-seven dollars and forty-five cents.

William Spriggs, reimbursement for clerk hire for [the] year 1864, four hundred dollars.

For Prof. Nordyke, teaching and boarding deaf mutes, at the rate of five dollars per week for each pupil, four hundred dollars, to be audited by the State Auditor.

J. F. Cummings, ninety-eight dollars, as per voucher, for printing for Adjutant General in 1863, to be verified to the satisfaction of the State board of printing.

For Times Printing Company, printing Quartermasters' blanks, for the use of the State militia, one hundred and thirty-six dollars.

For S. H. Fletcher, services as clerk in Adjutant General's office, 1864, thirty-five dollars.

For S. H. Fletcher, postage on Bulletin, twenty-five dollars.

For Sam. Sweet, water and labor, fifteen dollars.

For J. T. Ward, twenty-five cords hard wood for State officers, one hundred and fifty dollars.

For H. Gibbs, sundry services, ninety-six dollars [and] fifteen cents.

For Kansas Zeitung, translating and printing Governor's message in German, three hundred and fifty dollars.

Paymaster General, one thousand dollars.

Quartermaster General, one thousand dollars.

Thomas Plowman, for rent of arsenal grounds and building, two hundred dollars.

W. W. H. Lawrence, for funds expended under orders, for which no appropriation had been made, two hundred and fifty-eight dollars and forty-five cents.

Smith & Farnham, for twine, matches and brooms, seven dollars and seventy cents.

Edward Russell, for deficiency in appropriation for salary as Quartermaster General [of] Kansas State militia for 1863, three hundred dollars.

To the treasurer of Jefferson county, for seal for the district court, ten dollars.

To the treasurer of Lyon county, for seal of district court for said county, ten dollars.

Treasurer of Franklin county, for seal of district court, ten dollars.

For payment of clerks of board appointed for auditing accounts against the State occasioned by the raid of General Price and other invaders, two thousand dollars.

For D. W. Boutwell, one thousand dollars, for services rendered in passing through the rebel lines to Gen. Pleasanton, and return to Union lines, under contract and upon the order of Maj. Gen. Deitzler, at the request of Maj. Gen. Curtis.

Theodore Mills, for rent of capitol buildings for the year 1856, due December 25th, 1865, three hundred and seventy-five dollars.

Guilford G. Gage, for rent of capitol buildings for the year 1866. due December 25th, 1865, three hundred and seventy-five dollars.

Wilson L. Gordon, for rent of capitol buildings for the year 1866, due December 25th, 1865, three hundred and twenty dollars.

Loring Farnsworth, for rent of capitol buildings for the year 1866, due December 25, 1865, four hundred and thirty dollars.

SEC. 2. The Auditor of State is hereby authorized to issue warrants upon the Treasurer of the State for the purpose and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts which may be presented to him. All accounts for Legislative expenditures, furniture, stationery, lights, fuel and other supplies, shall be certified to by the Secretary of State and approved by the Governor, as is contemplated in section 20 of an act defining the powers and duties of certain State officers,

cers, approved June 3, 1861. All accounts for printing shall be approved by the Secretary of State, Auditor and Treasurer, except the printing of the proclamations of the Governor, which shall be approved by the Governor: *Provided*, that no account shall be allowed or audited for which no provision has been made by law, and unless a detailed statement, containing the several items thereon, verified by affidavit setting forth that the same is just and correct, and remains due and unpaid, and that the amount claimed thereon is actually due, according to the legal or ordinary prices for services rendered or materials furnished, as the case may be; and the Auditor shall audit only the amount so found actually due, dollar for dollar, according to the legal or ordinary compensation or prices for services rendered, salaries or fees of officers, or materials furnished.

SEC. 3. This act to take effect and be in force from and after its publication once in the Topeka State Record; and the Secretary of State is hereby directed to cause such publication to be made immediately after its approval by the Governor.

Approved February 18, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER IV.

BONDS AND WARRANTS.

AN ACT concerning mutilated, lost and destroyed bonds and warrants.

Be it enacted by the Legislature of the State of Kansas:

Bonds.

SECTION 1. That, whenever any bond or warrant of the State or Territory of Kansas, [or] of any county, city, township or school district of the State of Kansas, shall become so far mutilated as to be unfit for circulation, or shall be lost or destroyed, a duplicate thereof may be issued by the officer authorized by law to issue such bonds or warrants, under the regulations and restrictions hereinafter prescribed.

Duplicate.

SEC. 2. Such duplicate shall correspond, in number, date, amount and coupons, with the original bond or warrant, and shall have endorsed on its face, by the officer issuing the same, the word "Duplicate," together with the date of its issuance.

SEC. 3. On the delivery to the proper officer of any mutilated bond or warrant, a duplicate of such bond or warrant shall be issued as above provided.

SEC. 4. A duplicate for a lost or destroyed bond or warrant shall not issue until there shall have been filed with the proper officer an affidavit of some person knowing the facts, setting forth the ownership of such bond, the description thereof, the number of coupons thereto attached, and the manner of its loss or destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with securities to be approved by such officer, in a sum equal to double the amount of such warrant or bond and the coupons attached, conditioned that the parties thereto shall pay all damages which the State, county, city, township or school district, as the case may be, may sustain if compelled to pay such lost or destroyed bonds or coupons.

Affidavit filed.

SEC. 5. That any officer issuing duplicates under this act, shall keep a record, showing the numbers, dates and amounts of such mutilated, lost or destroyed bonds or warrants, and the number of coupons thereto attached, together with the

Record.

date of issuance of the duplicate therefor, and the names of the persons to whom issued.

SEC. 6. An act concerning mutilated, lost and destroyed bonds, approved Feb. 12th, 1864, be and the same is hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER V.

BONDS OF ATCHISON COUNTY.

AN ACT to authorize Atchison county to issue bonds and to build a jail.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The board of county commissioners of Atchison county Kansas, be and are hereby authorized to build a jail in said county, on the site where the jail of Atchison county now stands.

SEC. 2. The said board of commissioners, for the purpose of erecting said jail, be and are hereby authorized to issue the bonds of said county, not exceeding in amount the sum of fifteen thousand dollars, or so much thereof as the said commissioners may deem necessary, in sums not less than one hundred dollars, which bonds shall have coupons attached, and shall draw interest from their date at the rate of ten per cent. per annum, payable annually. Each bond shall be signed by the chairman of the board of commissioners,

and attested by the county clerk, and countersigned by the treasurer, and shall be made payable to bearer.

SEC. 3. The bonds issued under the second section of this act may be made payable at any time within twenty years from date, and may be negotiated by the said board of commissioners at not less than ninety cents on the dollar, and all moneys so realized shall be applied exclusively to the construction of the jail aforesaid.

SEC. 4. The said board of county commissioners shall levy annually such a per cent. on the taxable property in said county as shall be sufficient to pay the interest on all bonds issued under the provisions of this act, as the same shall mature; also, to levy and collect a tax sufficient to create a sinking fund for the final redemption of the principal of said bonds, which taxes, when paid into the treasury, shall be and remain a specific fund for said purpose only.

SEC. 5. As fast as money shall accumulate in the treasury for the redemption of said bonds, it shall be applied to the taking up of such bonds in the order in which they may be presented by the holders thereof; and, in case no bonds be presented, the said board of commissioners may call in and take up the same, and no bond or bonds shall draw interest after the said board of commissioners have given actual notice to any holder or holders thereof that they are ready to pay the principal and interest of said bond or bonds.

SEC. 6. Whenever the interest on said bonds shall mature, the same shall be paid by the treasurer of said county, out of any money in the treasury for that purpose, and the coupons for the interest so maturing shall be taken up by said treasurer, cancelled, and filed in his office, and said coupons shall be receivable for any tax levied for their redemption.

SEC. 7. The clerk of said board of commissioners is hereby authorized, and it is made his duty, to obtain blank bonds, with suitable devices to prevent counterfeiting, and of such suitable material as he may deem proper.

SEC. 8. It shall be the duty of the clerk of said board to register, in a book provided by him for that purpose, the bonds issued under the provisions of this act, which said register shall show the date, number, amount, and to whom issued.

SEC. 9. The said board of commissioners shall have power to build said jail and issue said bonds, without submitting the same to a vote of the people.

SEC. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER VI.

BONDS OF ATCHISON AND JACKSON COUNTIES.

AN ACT to authorize Atchison and Jackson counties to issue bonds for the purpose of building two bridges.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of county commissioners of the county of Atchison is hereby authorized to issue the bonds of said county, for a sum or sums not exceeding three thousand dollars, for the purpose of building a bridge across Independence creek, near its confluence with the Missouri river; and the boards of county commissioners of the counties of Atchison and Jackson are hereby authorized to issue the bonds of said counties, for the purpose of building a bridge across Grasshopper creek, on or near the line between said counties; the points for the location of said bridges to be fixed by the boards of county commissioners of the respective counties authorized to build said bridges. The said commissioners shall fix the amounts of bonds to be issued for the said bridges to be issued by the respective counties for each of the said bridges, and the refusal of the county board of commissioners of either county to act shall not prevent the other from acting and executing the provisions of this act.

SEC. 2. The bonds herein provided for shall be issued in sums of one hundred dollars each, payable in ten years from date, with interest at the rate of ten per cent. per annum,

with coupons attached, and the bonds shall contain a statement of the purposes for which said bonds were issued, and reference to the act under which they were issued, and shall be made payable to bearer, and shall be dated at the time of their issuance, and be signed by the chairman of the board of county commissioners of the county issuing them, and attested by the county clerk, under his seal of office, and shall, when so issued, import a compliance with provisions of this act, and the county clerks of the several counties shall keep record of such bonds, showing the proceedings of the county boards of their respective counties in relation to the same, with the amount issued, the date of the issue, and to whom issued, and any other act in reference to the same that may be ordered by the said commissioners; and said bonds may be negotiated for cash or paid directly to persons building said bridges, but they shall not be sold by the counties [at] less than par.

SEC. 3. Said bonds, or the proceeds thereof, shall not be used for any other purpose except the construction of the bridges herein provided for; and any county commissioner or commissioners or other officer who shall apply or use any of said bonds thereof for any other object or purpose than specified in this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than one hundred dollars, and be imprisoned in the county jail not less than six months: *Provided*, that funds received from the sale of said bonds may be used to redeem the same.

SEC. 4. The board of county commissioners issuing any of said bonds shall, each year, cause to be levied and collected, annually, a tax to pay the annual interest on said bonds, and also provide for a sinking fund, for the final redemption of the bonds at their maturity; and the said coupons on said bonds may be received for the taxes levied to pay the same, and the bonds may be receivable in payment of the taxes levied to create said sinking fund: *Provided*, that when said bonds are so received, the unpaid coupons must be surrendered with the bonds so paid on said taxes.

SEC. 5. Whenever there shall be collected a sufficient amount to redeem one or more of said bonds, the board of

county commissioners shall give notice that the county treasurer has on hand money for the redemption of a certain number of said bonds, and the bonds shall be redeemed that are in the hands of persons who will receive the lowest sum for them. On the redemption of any of the bonds or coupons, the same shall be burned by the county commissioners, after they shall have been noted as cancelled in the recorded proceedings in relation to their issuance. When any coupon or bond shall be received by the county treasurer, he shall write "Paid" on the face of the same, with date of the time of payment, and shall sign his name thereto.

SEC. 6. For the purpose of securing the building of the bridges provided for in this act, the county commissioners of the counties of Atchison and Jackson shall meet in the city of Atchison, at some time to be fixed by the chairman of the board of county commissioners of Atchison county, and, when so convened, they shall proceed to arrange for the building of said bridge across the Grasshopper creek, its location, and time at which they will receive bids, and open them, and award contracts, and do any other act to carry into effect the provisions of this act. They shall require an undertaking, with good security, from the contractors, in an amount sufficient to secure the faithful performance of any contracts awarded to any builder for either of the above said bridges.

SEC. 7. This act shall be in force from and after its passage; and it shall be the duty of the Secretary of State to mail forthwith to the county clerk of the counties mentioned in this act a certified copy of the same, and said clerk shall forthwith notify the several commissioners of the passage of this act, and furnish them a copy of the same.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER VII.

BONDS, NOTES AND BILLS OF EXCHANGE.

AN ACT to amend an act entitled "An act respecting bonds, notes and bills of exchange," approved February 2nd, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 4 of the act above mentioned be amended so as to read as follows: "Section 4. That all instruments made negotiable by this act shall be entitled to three days of grace in the time of payment, except that bills of exchange, drafts and bankers' checks, drawn payable at sight, on presentation, or on a day mentioned, or in any number of days after date or after sight, drawn and made payable at any place within this State, shall be due and payable without days of grace.

SEC. 2. This act shall not apply to transactions occurring before it shall take effect.

SEC. 3. This act shall take effect and be in force from and after its publication in a newspaper published at the capital of the State.

Approved February 16, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER VIII.

BONDS OF BOURBON COUNTY.

AN ACT to authorize the board of county commissioners of Bourbon county to issue bonds for the purpose of building a bridge across the Marmaton river.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of county commissioners of Bourbon county are hereby authorized and empowered to issue the bonds of said county for any sum not exceeding three thousand dollars, and to negotiate a loan or loans thereon, for the purpose of building a bridge across the Marmaton river, at or near the city of Fort Scott, in said county: *Provided*, however, that said bonds shall not be negotiated or sold at a price less than ninety cents on the dollar, nor be drawn for a greater rate of interest than ten per cent. per annum.

SEC. 2. The bonds herein provided for shall be issued in sums of one hundred dollars, payable in five years from the date thereof, with interest payable semi-annually, at the office of the treasurer of said county; and said board of commissioners shall provide for the payment of said interest, by levying a suitable tax for said purpose.

SEC. 3. The said board of commissioners shall also, after the expiration of two years, levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which taxes, when paid into the county treasury, shall be and remain a special fund for said purpose only, except as hereinafter provided.

SEC. 4. The tax aforesaid, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, may be applied by said board of commissioners, as the same shall be collected, to the redemption of said bonds, at a price not above the par value thereof.

SEC. 5. Whenever there shall have been collected a sufficient amount as aforesaid to redeem one or more of said bonds, the said board may give sixty days' notice, by publication in some newspaper printed in said county, that they

are ready to redeem such bonds, designating the same by numbers, and the place of redemption, and, if such bonds are not presented for redemption within thirty days after the completion of such publication, the interest on the same shall then forever cease.

SEC. 6. Said bonds and coupons of the same shall, after maturity, be received by the county treasurer in payment of county taxes.

SEC. 7. This act to take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER IX.

BONDS FOR SCHOOL HOUSE.

AN ACT to authorize graded school district No. 1, in Morris county, to issue bonds to build a school house.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of directors of graded school district No. 1, in Morris county, Kansas, for the purpose of erecting a suitable school house in said district, are hereby authorized to issue the bonds of said district, not exceeding in amount five thousand dollars, or so much thereof as the directors aforesaid may deem necessary, in sums not less than fifteen dollars, which bonds shall draw interest from date, at the rate of ten per cent. per annum, payable annually, and each bond shall be signed by the director and clerk,

and countersigned by the treasurer of said board, and shall specify thereon to whom the same shall be made payable.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within ten years from their date, and may be negotiated by the said district board, at not less than ninety cents on the dollar.

SEC. 3. That said district board shall levy annually such per cent. on the taxable property of said district as shall be sufficient to pay the interest on all bonds issued by said district under the provisions of this act, as the same accrues; also, to levy and collect such other tax as shall be sufficient to sink the bonds within ten years from the time they are issued.

SEC. 4. That, as fast as the money accrues for the redemption of said bonds, it shall be applied to the taking up of the same, in the order in which they are presented for payment.

SEC. 5. That, whenever any interest becomes due on the aforesaid bonds, the treasurer of the district shall pay the same out of any money in the treasury for this purpose, endorsing on the back of the bond the amount of tax paid, and for what time.

SEC. 6. This act shall take effect and be in force from and after its publication in the Council Grove Press.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Council Grove Press for February 25, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER X.

BONDS OF FRANKLIN COUNTY.

AN ACT to authorize Franklin county to issue bonds to build a jail.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The county board of commissioners of Franklin county, Kansas, for the purpose of erecting a suitable jail at the county seat in said county, on the ground set apart by the town of Ottawa, and accepted by said county as a site for county buildings for the said county of Franklin, be and they are hereby authorized to issue the bonds of said county, not exceeding in amount the sum of ten thousand dollars, or so much thereof as the said commissioners may deem necessary, in sums not less than one hundred dollars, which bonds shall have coupons attached, and shall draw interest from their date at the rate of seven per cent. per annum, payable annually. Each bond shall be signed by the chairman and clerk of the board of commissioners, and countersigned by the treasurer, and shall specify thereon to whom the same shall be made payable.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within fifteen years from their date, and may be negotiated by the said board of commissioners at not less than ninety-five cents on the dollar, and all moneys so realized shall be applied exclusively to the construction of the jail, as aforesaid.

SEC. 3. The said board of county commissioners shall levy annually such a per cent. on the taxable property in said county as shall be sufficient to pay the interest on all bonds issued under the provisions of this act, as the same shall accrue; also, to levy and collect a tax sufficient to create a sinking fund for the final redemption of the principal of said bonds, which taxes, when paid into the treasury, shall be and remain a specific fund for said purpose only.

SEC. 4. As fast as money shall accumulate in the treasury for the redemption of said bonds, it shall be applied to the taking up of such bonds in the order in which they may be

presented by the holders thereof; and, in case no bonds shall be presented, the said board of commissioners may call in and take up the same, and no bond or bonds shall draw interest after the said board of commissioners have given actual notice to any holder or holders thereof that they are ready to pay off the principal and interest of said bond or bonds.

SEC. 5. Whenever the interest on said bonds shall mature, the same shall be paid by the treasurer of said county, out of any moneys in the treasury for that purpose, and the coupons for the interest so accruing shall be taken up by said treasurer, cancelled, and filed in his office.

SEC. 6. The clerk of said board of commissioners is hereby authorized, and it is made his duty, to obtain blank bonds, with suitable devices to prevent counterfeiting, and of such suitable material as he may deem proper.

SEC. 7. It shall be the duty of the clerk of said board to register, in a book provided by him for that purpose, the bonds issued under the provisions of this act, which said register shall show the date, number, amount, and to whom is made payable each of said bonds.

SEC. 8. Before issuing any bonds under the provisions of this act, the question of building a jail shall be submitted to a vote of the people of said county, at the municipal election to be held in the different voting precincts of said county, on the fourth Monday of March, 1865. Said election shall be conducted under the general election laws of this State; and those voting in favor of building a jail shall have printed or written on their ballots, "For the jail," and those voting against the building of the jail shall have printed or written on their ballots, "Against the jail;" and if a majority voting at such election shall be in favor of building the jail, then said commissioners may issue the bonds, as provided in this act.

SEC. 9. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 6, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 8, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XI.

BONDS AND CERTIFICATES—TERRITORIAL.

AN ACT declaring certain Territorial bonds and certificates Territorial warrants.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Territorial bonds of the Territory of Kansas, issued May 2nd, one thousand eight hundred and fifty-nine, to O. Wilmarth, and numbered 1, 2, 3, 4, 5, 6, 7, and each for the sum of one hundred dollars, bearing interest, are hereby declared to be Territorial warrants.

SEC. 2. That the certificates of indebtedness of the Territory of Kansas, numbered 61, 65 and 66, amounting in the aggregate to the sum of three hundred and sixty-six and thirty-two one-hundredths dollars, shall be held and regarded as Territorial warrants.

SEC. 3. That the auditor shall receive and audit, and the treasurer shall issue bonds of the State of Kansas therefor, as provided by an act to fund the Territorial debt, approved February 20th, one thousand eight hundred and sixty-three.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XII.

BONDS TO RAILROAD COMPANIES.

AN ACT to authorize counties and cities to issue bonds to railroad companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of county commissioners of any county, to, into, through, from, or near which, whether in this or any other State any railroad is or may be located, may subscribe to the capital stocks of any such railroad corporation, in the name and for the benefit of such county, not exceeding in amount the sum of three hundred thousand dollars in any one corporation, and may issue the bonds of such county, in such amounts as they may deem best, in payment for said stocks: *Provided*, that such bonds shall be issued only in payment of assessments made upon all the stocks of such railroad company, which bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall be payable within thirty years. And the said board of commissioners shall elect one of their number, who shall not be a stockholder, to cast the vote of the county at any election for directors, or at any meeting of the stockholders of such company; and said board of commissioners shall annually levy and collect, at the same time and in the same manner that general taxes are levied and collected, a tax sufficient to pay the annual interest on such bonds, and to create a sinking fund for their redemption. But no such bonds shall be issued until the question shall be first submitted to a vote of the qualified electors of the county at some general election, or at at some special election to be called by the board of county commissioners, by first giving twenty days' notice in some newspaper published and having general circulation in the county, or, in case there be no paper in the county, then by written or printed notices posted up in each election precinct; and, in submitting said question, said board of commissioners shall direct in what manner the ballots shall be cast. If a majority of the votes cast at such election shall be in favor of

issuing such bonds, the board of commissioners of the county shall issue the same.

SEC. 2. Said bonds, when issued, shall be in such form, and shall be numbered and registered in such manner, as the board of commissioners shall determine.

SEC. 3. And the common council of any city in any such county as is described in the first section of this act, incorporated under the laws of this State, may, under the provisions of this act, subscribe for stocks in, and issue bonds to, any such railroad company, not exceeding the sum of two hundred and fifty thousand dollars in any one company; and all the provisions of the first two sections of this act, as to submitting the question to a vote of the people, subscribing for stocks, the manner in which the bonds shall be issued, and the selection of a person to vote for director or other purposes, shall, as far as practicable, apply to and govern the action of the common council; and the common council shall annually, at the same time and in the same manner that general city taxes are levied and collected, levy and collect a tax sufficient to pay the annual interest on such bonds, and to create a sinking fund for their redemption.

SEC. 4. In case the board of commissioners of any such county, or the common council of any such city, have heretofore submitted to the electors of such county or city the question of issuing bonds to any railroad company, and at such election such electors voted to issue such bonds, such board or such council, as the case may be, are hereby authorized to issue such bonds and subscribe for stocks not exceeding the amount as provided in the first and third sections of this act, as provided in the first section of this act.

SEC. 10. This act shall take effect and be in force from and after its publication once in the Daily Conservative.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Leavenworth Daily Conservative for Feb. 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XIII.

BINDING OF THE LAWS AND JOURNALS.

AN ACT to amend an act relating to the binding of the laws and journals of both Houses of the Legislature and volumes of public documents.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of "An act relating to the binding of the laws and journals of both Houses of the Legislature and volumes of public documents" be amended, to read as follows: "That section 22 of an act entitled 'An act to provide for State printing,' passed May, 1861, be amended to read as follows: 'Section 22. The contractor for the printing of bills, resolutions, or other matter to be printed in bill form, shall promptly and without delay execute all orders of the Legislature or either branch thereof, for the printing of all bills and resolutions; and for each and every failure to complete said printing within twenty-four hours after receiving the order for the same, the contractor shall forfeit and pay a penalty of ten dollars, to be deducted from his account at settlement; and all contractors under the provisions of this act shall promptly and without delay execute all orders to them issued by the Legislature, or either branch thereof, or the executive officers of the State; and the laws and journals shall be printed and delivered to the contractor for the folding, stitching and binding, on the order of the Secretary of State, within sixty days after the adjournment of the Legislature; and said contractor shall, within twenty days after the receipt thereof, execute the folding, stitching and binding, and deliver to said Secretary of State the volumes so bound, under the penalty of a forfeiture of their bonds; and the balance of [the] public documents shall be printed and delivered to the contractor for folding, stitching and binding, on the order of the Secretary of State, within forty days after copy is furnished to the contractor for printing the same; and said contractor for folding, stitching and binding shall, within five days after the receipt thereof, execute the folding, stitching and binding, and deliver to said Secretary of State the volumes so folded, stitched and bound, under a penalty of for-

feiture of their bonds: *Provided*, that the Secretary of State, Auditor and Treasurer may, on good cause shown by either of the contractors, extend the time, not exceeding ten days, for the execution of their several contracts.'"

SEC. 2. That section 1 of an act entitled "An act relating to the binding of the laws and journals of both Houses of the Legislature and volumes of public documents," passed February 9th, 1864, be and hereby is repealed.

SEC. 3. This act shall be in force and take effect from and after its publication in the State Record; and it is hereby made the duty of the Secretary of State to cause such publication immediately on the passage of this act.

Approved February 17, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XIV.

BOUNDARIES OF DOUGLAS COUNTY.

AN ACT relating to the boundaries of Douglas county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the boundaries of Douglas county be and [are] hereby changed as follows: Commencing at a point where the eastern line of Jefferson county touches the line of Douglas county, on the Kansas river; thence north, to the north line of township twelve; thence west, along said line of township twelve, to the Kansas river.

SEC. 2. That this act shall take effect and be in force from and after its publication.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XV.

BOUNDARY OF GREENWOOD COUNTY.

AN ACT to define the western boundary line of Greenwood county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the western boundary of Greenwood county shall be known and described as follows:

SEC. 2. Commencing at the southwest corner of Greenwood county; thence west, to a point in the center of range eight; thence north, on section line in center of range eight, to township line between townships twenty-two (22) and twenty-three (23); thence east, to range line between ranges nine (9) and ten (10).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XVI.

BOUNDARY OF WILSON COUNTY.

AN ACT defining the boundary of Wilson county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county of Wilson shall commence on the north line of the Osage lands, between range lines seventeen and eighteen east; thence run south, along said range line, to the southern boundary of the State; thence along said boundary of the State, twenty-eight (28) miles; thence north, to the southwest corner of Woodson county; thence east, along said northern boundary of the Osage lands, to the place of beginning.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XVII.

BOUNDARY OF ALLEN COUNTY.

AN ACT defining the southern boundary of Allen county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the southern line of the county of Allen shall be the north line of the Osage Indian lands, on the south line of the New York Indian lands.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XVIII.

BOUNDARIES OF WASHINGTON COUNTY.

AN ACT defining the boundary lines of Washington county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the boundary lines of Washington county shall be extended so as to include the counties called Shelby and Republic, and the territory now comprised within said counties of Shelby and Republic shall become a part of the county of Washington: *Provided*, however, that at any time in the future, when the territory now comprised either in the

county of Shelby and [or] Republic shall contain the number of inhabitants that shall entitle them to a county organization, they shall be authorized to organize and become a distinct county, in the same manner as though this act had not been passed.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XIX.

BOUNDARY LINES OF MARION COUNTY.

AN ACT defining the boundary lines of Marion county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county of Marion shall be bounded as follows: Commencing at the northwest corner of Chase county, being the northwest corner of township number eighteen (18), range six (6) east; thence west, on township line, between seventeen (17) and eighteen (18), to range line between four (4) and five (5); thence north, on said range line, to township line between sixteen (16) and seventeen (17); thence west, on said township line, to the west line of the State; thence south, along the State line, to the southwest corner of the State; thence east, on said State line, to the southwest corner of Butler county, being the point where the sixth (6) principal meridian crosses the said State line; thence north, on said meridian line, to the township line between twenty-one (21) and twenty-two (22); thence east, on said township line, to range line between five (5) and six (6); thence north, on said range line, to the place of beginning.

SEC. 2. This act shall take effect and be in force from after its publication in the State Record.

Approved February 17, 1865.

S. J. CRAWFORD,
Govern

I hereby certify the foregoing to be a true copy of enrolled law on file in my office, and that the same was lished in the State Record for Feb. 22, 1865.

R. A. BARKER,
Secretary of Sta

CHAPTER XX.

CENSUS OF THE STATE OF KANSAS.

AN ACT providing for the taking of the first and subsequent census State of Kansas.

Be it enacted by the Legislature of the State of Kansas:

Duties of Assessors.

SECTION 1. That the assessors of the several counties of the State are hereby required, respectively, to cause all the inhabitants to be enumerated, and to collect all other statistical information within their respective counties, in the manner provided for in this act, and specified in the instructions which shall be given by the Secretary of State, and in the tables annexed, and to return the same to said Secretary on or before the first day of September next ensuing; omitting from the enumeration of inhabitants Indians not taxed: *Provided*, however, and [that] if the time assigned for making the returns shall prove inadequate for any county, the said Secretary may extend the time: *Provided*, farther, that the assessor, when taking the enumeration above provided for, shall make diligent inquiry, and take a correct list, in their proper columns, of all persons in the military service of the United States or the State of Kansas who, at the time of their enlistment, were citizens of the State of Kansas, or have become so since such enlistment.

SCHEDULE 1. | **Inhabitants in Wards or Townships in the County of ..... State of Kansas, enumerated by me on the First day of March, 1865.** .....

Name of Post Office. **Assistant Assessor.**

	r visitation.		itation.		ace of abode	mily or who	Value	Description.					male person		Estate Real and Personal.			or Country			Ma	read or write		Idiot'c, Pau-		
22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47

SCHEDULE 3. | **Products of Industry in ..... in the County of ..... State of** [illegible] **ending March 1st, 1865, as enumerated by me.** .....

Assistant Assessor.

| | | | | |

SEC. 2. That each of said assessors shall, before entering upon his duties, take and subscribe the following oath, (or affirmation) before any district judge of the State, or before any judge of probate, to wit: "I, assessor (or assistant assessor) of the county of ——, do solemnly swear (or affirm) that I will, to the best of my ability, enumerate, or cause to be enumerated, all the inhabitants of said district, and will collect, or cause to be collected, the other statistical information within the same, and will faithfully perform all the duties enjoined on me by the act providing for the taking of the first census;" and, when duly authenticated by said judge, he shall deposit a copy thereof, so authenticated, with the Secretary of State; and no assessor shall discharge any of the duties herein required until he has taken and subscribed this oath, and forwarded a copy as aforesaid.

Duties of Assessors.

Oath.

SEC. 3. In case the board of county commissioners of any county shall be satisfied of the inability of the assessor to properly comply with the requirements of this law and the instructions of the Secretary of State, they may appoint some other person to perform his duties under this act; and the said board shall appoint such assistants to the assessors as to them may seem necessary, who shall take and subscribe the oath provided for the assessor in section two, and comply with the requirements of said section.

Appointment.

SEC. 4. That each assessor shall seasonably supply each assistant with the instructions issued by the Secretary of State, the blanks provided for the enumeration of the population and the collection of other statistics, and give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty. He shall carefully examine whether the returns of each assistant assessor be made in conformity with the terms of this act, and, when discrepancies are detected, require the same to be corrected. He shall dispose of the two sets of the returns required from the assistant assessors, as hereinafter provided for, as follows: One set he shall transmit forthwith to the Secretary of State, and the other copy thereof he shall transmit to the office of the county clerk. He shall from time to time make himself acquainted with the progress made by

Disposition of copies.

each assistant assessor in the discharge of his duties, and, in case of inability or neglect, arising from sickness or otherwise, may appoint a substitute, with the consent of the board of county commissioners.

SEC. 5. That, if any assessor shall, by any arrangement or understanding whatever, secure to himself any fee, reward or compensation for the appointment of an assistant, or shall in any way secure to himself any part of the compensation provided by this act for the services of assistant, or if he shall knowingly neglect or refuse to perform the duties herein assigned to him, he shall in any such case be deemed guilty of a misdemeanor, and, if convicted in any such case, shall, for such offense, forfeit and pay not less than one hundred dollars.

Penalty.

SEC. 6. That any assessor of the State of Kansas may, for any purpose not inconsistent with the duties of the assistant herein provided for, appoint a deputy to act in his behalf, with approval of the board of county commissioners, but for all official acts of such deputy or deputies the assessor shall be responsible.

Appointment.

SEC. 7. That each assistant, when duly qualified in manner aforesaid, shall perform the service required of him by a personal visit to each dwelling house and to each family in the subdivision assigned to him, and shall ascertain, by inquiries made of some member of each family, if any one can be found capable of giving the information, but if not, then of the agents of such family, the name of each member, then of the age and place of birth of each, and all other particulars specified in this act, the tables thereto subjoined, and the instructions of the Secretary of State, and shall also visit personally the farms, mills, shops, mines and other places respecting which information is required, as above specified, in his district, and shall obtain all such information from the best and most reliable sources; and, when in either case the information is obtained and entered on the table as obtained, till the same is complete, then such memoranda shall be immediately read to the person or persons furnishing the facts, to correct errors and supply omissions, if any shall exist.

Services required

SEC. 8. That each assistant shall, within one month after

the time specified for the completion of the enumeration, furnish the original census returns to the clerk of the county of their respective counties, and one copy, duly compared and corrected, to the assessor of the county. He shall affix his signature to each page of the schedules before he returns them to his assessor, and on the last page thereof shall state the whole number of pages in each return, and certify that they were well and truly made, according to the terms of his oath of office.

Copies to be furnished to county clerk.

SEC. 9. That each assistant shall be allowed, as compensation for his services, the same pay allowed by law to county assessors.

Compensation.

SEC. 10. That [any] assistant who, having accepted the appointment, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, shall be guilty of a misdemeanor, and, upon conviction, be liable to a forfeiture of one hundred dollars, or, if he shall willfully make a false oath, it shall be deemed perjury, or if he shall willfully make a false certificate, it shall be deemed a misdemeanor, and, if convicted or found guilty of either of the last named offenses, he shall forfeit and pay not exceeding one thousand dollars, and be imprisoned not less than two years; and each assessor shall be alike punishable for the two last named offenses, when committed by him.

Misdemeanor.

SEC. 11. That each and every person more than twenty years of age, belonging to any family residing in any subdivision, and, in case of the absence of the heads and other members of any such family, then any agent of such family, shall be and each of them is hereby required, if thereto requested by the assessor or his assistants, to render a true account, to the best of his or her knowledge, of every person belonging to such family, in the various particulars required in and by this act and the table thereto subjoined, on pain of forfeiting thirty dollars, to be sued for and recovered in an action of debt, by the assessor, to the use of the county where such person resides.

Agents app'nted.

SEC. 12. That the Secretary of State is hereby required to carry into effect the provisions of this act, and to provide blanks, and distribute the same among the assessors, so that

Duty of Secr'y of State.

the enumeration may commence on the first day of May next, and be taken with reference to that day in each and every county and subdivision of county, [and] to draw up and distribute at the same time printed instructions, defining and explaining the duties of such as collect the statistics, and the limits by which such duties are circumscribed, in a clear and intelligible manner; to see, also, that all due diligence is employed by the assessor and his assistants to make returns of their respective doings, completed at the times herein prescribed, and, further, as the returns are so made, to cause the same to be classified and arranged, in the best and most convenient manner for use, and to lay the same before the Legislature at the next session thereof. The Secretary of State shall have the general management of matters appertaining to the census; and the said Secretary shall also appoint such clerks as may be necessary from time to time for the efficient management of the census. And the compensation to be allowed and paid to the officers connected with the census office shall be as follows: The clerks required under this section shall receive one hundred dollars per month. The blanks and preparatory printing for taking the census shall be prepared and executed under the direction of the Secretary of State; the other printing hereafter to be executed as the Legislature shall direct.

Appropriation.

SEC. 13. That, for the purpose of carrying into effect this act, and defraying the preliminary expenses, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, one thousand dollars, or so much thereof as may be needed.

Provisions of the compensation.

SEC. 14. That, whenever any assessor shall certify upon oath that an assistant has completed, to his satisfaction, and made return of the subdivision confided to him, and shall also certify the amount of compensation to which, under the provisions of this act, such assistant is entitled, the board of county commissioners shall thereupon cause one-half of the sum so due to be paid to such assistant, and when the returns have been carefully examined for classification by the Secretary of State, if found executed in a manner satisfactory, then he shall so certify to the board of county commissioners, who

shall then cause the other half to be paid; and payments in like manner and upon like conditions shall be made to the assessors, the Secretary of State certifying to their having performed the duties assigned them.

SEC. 15. That the tables hereto annexed, and made part of this act, are numbered from one to four, inclusive.

SEC. 16. That, if no other law be passed providing for the taking of the second or any subsequent census of the State, on or before the first day of February of any year when, by the constitution of the State, any further enumeration of the inhabitants thereof is required to be taken, such census shall in all things be taken and completed according to the provisions of this act. Addit'nal census.

SEC. 17. The instructions of the Secretary of State shall require a schedule: First, the name, age, sex, color, profession, occupation or trade of each person over fifteen years of age, the company and regiment of each volunteer, value of real estate and personal property, without deducting indebtedness, place of birth, where from to Kansas, married or single, attending school within the year, and whether deaf and dumb, blind, insane, idiotic, pauper, or convict. Schedule second—agriculture—name of person managing farm, quantity of land improved, quantity of land unimproved, quantity fenced, value of farm, value of farming implements, live stock, value of live stock, produce of the year, molasses, sugar, value of home made manufactures, animals slaughtered. Schedule third—products of industry—name of corporation, company or individual producing articles to the annual value of five hundred dollars, name of business, manufacture or product, capital invested in real and personal estate in the business, raw material used, including fuel, kind of motive power, machinery, structure or resource, average number of hands employed, wages during the year, annual product. Schedule fourth—social statistics—valuation of estate, real and personal, annual taxes, colleges, academies, schools and school houses, public libraries, newspapers and periodicals, religion, pauperism, crime, wages. Duty of Secr'y of State.

SEC. 18. The Secretary of State, so far as practicable, in writing the aforementioned schedules and instructions, accom-

panying the same to the assessors and their assistants, shall follow the schedule and instructions issued by the census bureau, under the eighth census, to the United States marshals.

SEC. 19. This act shall take effect and be in force from and after its publication once in the State Record.

Approved February 16, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXI.

TRANSPORTATION AND EXPRESS COMPANIES.

AN ACT for the organization of transportation and express companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, whenever any number of persons not less than five associate themselves together, to form a company for the purpose of establishing a company to engage in the business of carrying goods, chattels, wares, merchandise, or any kind of personal property, or passengers, for hire, or both, they shall make a declaration in writing, signed by each of them, setting forth the name adopted for such company, the object and general nature of their proposed business, the amount of capital stock of the same, the number of shares into which the same is divided, and the place where the principal office of such company shall be kept: *Provided*, the same shall be kept within this State. Such declaration shall be acknowledged before a notary public within and for this State, and forwarded to the Secretary of [State] the same, who shall record and carefully preserve the same in his office; and a copy thereof, certified by said Secretary, under the seal of this State, shall be deemed in the courts thereof evidence of the existence of such company as an incorporated body; and, when thus incorporated, they are hereby authorized to prosecute the business set forth in the declaration herein required, and, by the name stated in such declaration, shall be deemed a body corporate, with succession, power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at will any real or personal estate necessary and convenient for carrying into effect the objects of the company, to adopt a seal and alter the same at pleasure, and to do all needful acts to effect the purpose for which it was created, subject to all the rules and restrictions upon corporations in general now in force in this State.

Object and nature of incorporation.

SEC. 2. When ten per centum of the capital stock shall be subscribed and paid into such company, said corporators, or a

Advertisement.

majority of them, shall, in a newspaper published in the county where the principal office of such company shall be located, or [by] printed notices posted up in said county, in five of the most public places, if there be no newspaper published therein, give ten days' notice of the time and place of holding a meeting for the election of five directors, and the election shall be made by the stockholders attending for such purpose, personally or by proxy, each share of capital stock being entitled to one vote, said election to be superintended by one or more of said corporators.

SEC. 3. There shall be a president of such company, chosen from the number of directors, and such other officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to file bond, with sureties, for the performance of the duties of their office, and for which purpose such company shall have power, and are hereby authorized, to make any regulations necessary, not contrary to the laws of this State.

File bonds.

Annual meeting.

SEC. 4. There shall be an annual meeting of the stockholders, at a place designated by the by-laws of said company, for the purpose of choosing directors and officers, who shall hold their offices until the next annual election, and until their successors are duly chosen, unless removed by the vote of a majority of said stockholders; the duties of said directors and officers to be prescribed by the by-laws of such company, which said by-laws shall be made by such directors, at a regulalar meeting thereof, and altered in like manner.

SEC. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XXII.

COMPANIES FOR MINING, MANUFACTURING, ETC.

AN ACT to create and regulate mechanical, manufacturing, mining and quarrying companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That three or more persons, who shall have associated themselves together by articles of agreement in writing, for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this State, except that of distilling or manufacturing intoxicating liquors, and shall have complied with the provisions of this act, shall, with their successors and assigns, constitute a body corporate and politic, and shall be and remain a corporation, under any name indicating their corporate character, assumed in their articles of association.

To become body corporate.

SEC. 2. That the purpose for and the place within which such corporation is established shall be distinctly and definitely specified in the articles of association, and such corporation shall not direct its operations or funds to any other purpose; and all corporations established and organized under the provisions of this act may sue and be sued, plead and be impleaded, and appear and prosecute to final judgment any suit or suits in any court, may have a common seal, and the same alter at pleasure, and collect assessments upon capital stock.

Purpose of corporation to be definitely specified.

SEC. 3. That the first meeting of such corporation shall be called by a notice signed by one or more of the parties to such an agreement, stating the time, place and purpose of the meeting, a copy of which shall, seven days before the meeting, be given to each member, or published in some newspaper printed in said county.

Publication of meeting.

SEC. 4. That, if doubts arise whether any such corporation is legally organized, the stockholders, at a meeting specially called for the purpose, under their by-laws or by notices as required by the preceding section, may by vote confirm such organization and all proceedings under it, and by so doing,

How acts of the company shall be held valid.

and depositing one copy of such vote with the recorder of said county, and one with the Secretary of State, such corporation and the acts of the company shall be held legal and valid, as if the original organization had been legal.

Penalties.

SEC. 5. That said corporation may make by-laws, not repugnant to the laws of the State, for the regulation of their business, with penalties for the breach thereof, not exceeding twenty dollars for each offense.

How business is to be conducted.

SEC. 6. That the business of the company shall be managed and conducted by a president, [a] board of directors, a clerk, treasurer, and such other officers, agents and factors as the company authorizes for that purpose.

Officers annually chosen.

SEC. 7. That the directors, clerk and treasurer be chosen annually by the stockholders, and shall hold their office until others are chosen and qualified in their stead. The manner of such choice, and of choice or appointment of all other agents, factors and officers of the company, shall be prescribed by the by-laws.

SEC. 8. That the number of directors shall not be less than three. One of them shall be chosen president, by the directors or by the company, as the by-laws shall direct.

Book of record to be kept.

SEC. 9. That the clerk shall be sworn, and shall record all the votes of the company, in a book to be kept for that purpose, and perform such other duties as shall be assigned to him. The treasurer shall give bond, in such sum and with such sureties as shall be required by the by-laws, for the faithful discharge of his duties.

When proxies are valid.

SEC. 10. That, at all meetings of the company, absent stockholders may vote by proxy, authorized in writing, but no proxy shall be valid unless executed and dated within six months previous to the meeting at which it is used, if the maker thereof resides in the United States; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him belong to one person; and no officer of the corporation, as proxy or attorney, shall cast more than twenty votes. Every company may determine by its by-laws what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting, to

constitute a quorum for the transaction of any corporate business.

SEC. 11. That the capital stock of every company, the amount whereof has been fixed and limited by such company according to law, shall remain as fixed, subject to be increased or reduced pursuant to the provisions of this act. Capital stock.

SEC. 12. That the amount of the capital stock of every company not organized shall be fixed and limited by the company in their articles of association, and shall, at its first meeting, be divided into shares of not less than one hundred dollars each, of which a record shall be made by the clerk; and the directors may call in the subscription to the capital stock of such corporation by installments, in such proportion and at such times and places as they shall think proper, by giving such notice thereof as the by-laws shall prescribe; *Provided*, that ten per cent. of the capital stock, so determined and limited in the articles of association, shall in all cases be actually paid into the treasury thereof, and no part of the same shall afterwards be withdrawn or diverted from the business of such corporation established and organized, before the said corporation shall be authorized to proceed to the general business thereof: and *Provided, further*, that no debt shall at any time be contracted by such corporation exceeding in amount the capital stock of such corporation, so as aforesaid actually paid into the treasury of such corporation. Amount of capital stock to be fixed.

SEC. 13. That every company may, at any meeting called for the purpose, increase its capital stock and the number of shares therein, but the stock shall not in any case exceed the amount authorized by this act. Increase of stock

SEC. 14. Every such corporation, so organized as aforesaid, shall have power, by its said name, to acquire and hold all such lands, tenements, hereditaments, and all such personal property as shall by by said corporation be deemed necessary for business or corporate purposes; and such corporation shall have power, and is hereby authorized, to receive lands, tenements and hereditaments, and any kind of personal property, in payment of subscriptions to the capital stock thereof, in payment of debts due the same, by contract or otherwise, or for collateral security for debts due the same, and may manage Acquire and hold lands, etc.

and dispose of the same at pleasure; and the said corporation, so created and organized, shall have power to construct and operate railroads from any portion of their lands, to connect with any other railroad, highway, street or any channel of transportation, at whatever points they may desire, and to make such depots, platforms, turnouts, switches and lateral roads, and all necessary highways, viaducts, culverts and bridges as they shall deem necessary for the said corporation, and receive and hold such lands as may be deemed necessary for the use of said road, and shall have power to erect and operate all necessary machinery for corporate purposes, and is hereby authorized to borrow any sum of money not exceeding the amount of capital stock actually paid into the treasury thereof, and to issue bonds for payment of the same, on such terms and at such rates of interest as shall be deemed best, and shall have power to mortgage their property, real and personal, to secure the payment of the same.

Authorized to borrow money.

Shares of stocks transferable.

SEC. 15. That the shares of the capital stock may be transferred by the proprietor, by an instrument in writing, under his hand, and recorded by the clerk of the corporation in a book to be kept for that purpose; the purchaser named in such instrument so recorded shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate.

SEC. 16. That every company may from time to time, at a legal meeting called for the purpose, issue upon each share of stock such sums of money as the company think proper, not exceeding in the whole the amount at which each share was originally limited, and such sums assessed shall be paid to the treasurer, at such times and in such installments as the company directs.

Money raised.

SEC. 17. That, if the proprietor of any share neglect to pay a sum duly assessed thereon for the space of thirty days after the time appointed for payment, the treasurer of the company may sell by public auction a sufficient number of the shares of such property in default to pay all assessments then due, with necessary and incidental charges thereon.

Power of treas'r.

Notice given.

SEC. 18. That the treasurer shall give notice of the time and place appointed for such sale, and of the sum on each

share, by advertising the same three weeks successively before the sale, in some newspaper published in said county; and a deed of the shares so sold, made by the treasurer, and acknowledged before a justice of the peace or other officer authorized by law to take such acknowledgment, and recorded by the clerk, as directed in section No. 16, shall transfer such share to the purchaser, who shall be entitled to a certificate therefor.

SEC. 19. That the president and directors, with the treasurer and clerk of said company, shall, after the payment of the last installment of the capital stock, make a certificate, stating the amount of capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, clerk and a majority of the directors, and they shall cause the same to be recorded in the office of the recorder of deeds for said county. Certificate.

SEC. 20. That, if a company increase its capital stock, the officers named in the last preceding section, after the payment of the last installment of such additional stock, shall make a certificate of the amount so added and paid in, and sign and swear to the same, and cause to be recorded in the manner herein provided. Capital stock.

SEC. 21. That every company may, by a vote at a meeting called for that purpose, reduce its capital stock, in which case a certified copy of the vote shall be recorded in the office of the recorder of deeds of said county: *Provided*, such capital stock shall not be reduced until all outstanding debts of the corporation are paid. Vote recorded.

SEC. 22. If the directors of any company declare any dividend when the company is insolvent, or the payment of which would render [it] insolvent, they shall be jointly and severally liable for all the debts of the company then existing [and] for all thereafter contracted, so long as they respectively continue in office: *Provided*, that the amount for which they shall be liable shall not exceed the amount of such dividend, and if any of the directors are absent at the time of making the dividend, or object thereto at said time, and file their objection in writing with the clerk of the company, they shall be exempted from such liability. Dividend.

SEC. 23. No loan of any money shall be made by such company to any stockholder therein, and if any such loan is made to a stockholder, the officers who made it, or assented thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the repayment of the sum so loaned.

Certificate filed with Secretary of State.

SEC. 24. Before such corporation commences business, the president, treasurer and [a] majority of the directors shall sign, swear to, and deposit with the Secretary of State, a certificate, setting forth the corporate name and purpose of the association, the amount of the capital stock, the amount already paid in, and the par value of the shares in the corporation, and shall file a copy with the recorder of deeds in said county, to be by him recorded in a book kept for that purpose. Within thirty days after the payment of any installment called for by the directors, a certificate thereof shall be, in like manner, signed, sworn to, deposited, filed and recorded.

Capital stock.

SEC. 25. When the capital stock and shares of any such corporation are increased or reduced, under the provisions of this act, a certificate thereof shall be made, signed, sworn to, deposited and executed, in manner aforesaid.

Annual certificate of condition of corporation to be made out.

SEC. 26. Every such corporation shall annually, in September, make, and the president, treasurer and majority of the directors shall sign, swear to, and deposit with the recorder of deeds for said county, a certificate, stating the amount of capital stock paid in, the names [of], and the number of shares held by, each stockholder, the amount invested in real estate and in personal estate, the amount of property owned [by] and debts due to the corporation, on the first day of August next preceding the date of such certificates, and the amount, as nearly as can be ascertained, of existing demands against the corporation at the date of the certificate.

Process served.

SEC. 27. Process shall be served upon such corporations in the same manner as is now directed by law with regard to other corporations.

Liability.

SEC. 28. The stockholders of any and all corporations under this act shall be personally liable for all sums of money due to laborers and operatives for services rendered within six

months before demand made upon the corporation, and its neglect or refusal to make payment.

SEC. 29. Any member or stockholder who pays, on a judgment or otherwise, more than his proportional share [of] any debt against the company, shall have a claim for contribution against the other members or stockholders.

SEC. 30. That the officers and stockholders of corporations organized under this act shall not be individually liable for the debts of said corporation, otherwise than in this act provided. Individually liable.

SEC. 31. That this act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 15, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXIII.

ROAD COMPANIES.

AN ACT to create and regulate macadamized and plank road companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any number of persons not less than five may become a body corporate, with all the rights, privileges and power conferred by and subject to all the provisions of this act. Body corporate.

SEC. 2. That any number of persons as aforesaid, associating to form a company for the purpose of constructing a macadamized or plank road, shall, under their hands and seals,

make a certificate, which shall specify as follows: First, the name assumed by such company, and by which it shall be known; second, the name of the place of the termination of said road, and the county or counties through which such road shall pass; third, the amount of capital stock necessary to construct such road. Such certificate shall be acknowledged before a justice of the peace or notary public, and certified to by the clerk of the district court, and shall be forwarded to the Secretary of State, who shall record the same, and carefully preserve the same in his office; and a copy thereof, duly certified by the Secretary of State, under the seal of the State of Kansas, shall be evidence of the existence of such company.

Name, place and capital of company.

When it becomes a body corporate.

SEC. 3. That, when the foregoing provisions have been complied with, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act, and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the corporation, to make and use a common seal, and the same alter at pleasure, and to do all needful acts to carry into effect the objects for which it was created; and such company shall possess all the power, and be subject to all the rules and restrictions provided by this act.

Increase of capital.

SEC. 4. That such macadamized or plank road companies may at any time increase their capital stock, by making and filing with the Secretary of State a certificate, setting forth the amount of such increase of capital stock, as provided in the next preceding section for the organization of new companies.

SEC. 5. That, as soon as the persons named in any certificate of incorporation for any macadamized or plank road company, or a majority of them, shall have associated themselves

together and organized, they may then proceed to open subscription books at such places as they may designate, for the purpose of receiving subscriptions to the stock of such company, in shares of such amount as may be designated, which book shall be opened at such time or times, and under such regulations, as shall be directed; such corporators, or a majority of them, giving at least thirty days' notice, in some public newspaper of general circulation printed on or nearest the route of such intended macadamized or plank road, of the time and place or places of opening such subscription books; and they shall also have power to borrow —— money for the completion of their roads, not exceeding in amount one-half of their capital stock, in the same manner, upon the same terms and under the same regulations and restrictions as may be provided by the rules of said company.

Open subscript'n book for stock.

SEC. 6. That, whenever fifty per centum of the capital stock of any such company shall have been subscribed, it shall be the duty of such corporators named in such certificate to call a meeting of the stockholders, at such place as may be by them designated, for the purpose of electing seven directors, of the time and place of holding which meeting at least ten days' notice shall be given by said corporators, at which election one of the stockholders shall preside, and all votes shall be by ballot. Each stockholder shall be entitled to one vote on each share he may own. Stockholders may vote by proxy, under such regulations as may be prescribed in the by-laws of such company; and all elections after the first shall be held on the first Monday in January of each year, at such place as the directors shall appoint: *Provided*, however, it shall be lawful to hold an election at any other time, on notice being given as aforesaid.

Meeting of stockholders called.

SEC. 7. That the directors, when elected as provided in the preceding section, shall each take an oath or affirmation diligently and impartially to discharge the duties of his office; and the directors, or a majority of them, when thus qualified, shall, on the day of their election, or some succeeding day, proceed to elect a president from their number; and the president and directors shall hold their offices for one year, and until their successors are elected and qualified.

Duty of board of directors.

Officers & agents to be appointed.

SEC. 8. That the president and directors shall in all cases manage the concerns of the company, appoint such officers and agents as may be necessary, fill all vacancies which may happen in their body until the next regular election of officers, [and] make by-laws for the regulation and government of the company. They may require such oath or affirmation of any of the agents of said company as they may think necessary; may call special meetings of the stockholders, keep records of all the transactions of said company, and do all other matters and things touching the concerns of said company contemplated in this act.

Location of road.

SEC. 9. That any such macadamized or plank road company, or their agents, shall have the right to lay out, locate, survey and make the road for which such company shall be incorporated, through any improved or unimproved lands, on the best route between the places designated in the certificate, contracting for and paying the owner or owners [of the land] over which the road may pass, the damage done to said grounds by laying out and making such road, and the materials for constructing or repairing said road; and when the said corporation and owner or owners cannot agree as to the amount of compensation, or, where the owner is unknown or is incapable of contracting, then such damages shall be assessed and paid as shall be provided by law.

Condition in laying out the road.

SEC. 10. That all macadamized or plank roads shall be opened not exceeding sixty feet wide, thirty feet of which shall be cleared of brush and logs, and at least sixteen feet shall be made an artificial road, composed of stone or gravel, wood or other convenient material, in such manner as to secure a firm and substantial road: *Provided*, no company or association of individuals, which have been or may hereafter be incorporated for the purpose of making such road, be authorized to erect or keep up any toll gate or receive any tolls within the corporate limits of any incorporated city, town or village, [or] within eighty rods of such limits.

SEC. 11. That, as soon as any road shall have been completed, any such road as aforesaid, or any part thereof, not less than five miles together in any part of the road, and so from time to time, as often as five miles in addition shall be

completed, adjoining any five miles previously completed, the county commissioners [of the county] in which such finished road lies, or, in case the same lies in two or more counties, the commissioners of either of said counties, shall, on application of the agent of the company, appoint three judicious freeholders, who shall, on oath, examine the same, and report their opinion to the commissioners in writing; and, if such report shall state the road, or such part thereof, to be completed agreeably to the provisions of this act, the commissioners shall, by license, in writing, authorize the company to erect gates at suitable distances, and demand and receive of persons traveling such road the tolls that may be allowed by the county commissioners; and the county commissioners of the county through which any such road shall pass be and are hereby authorized to regulate the amount of tolls that the said road companies are authorized to receive, and shall specify the amount authorized to be collected for each kind of vehicle and stock of all kinds in the license authorizing the said companies to erect gates on their respective roads: *Provided*, that any person or persons going to or from public worship on the Sabbath, funerals, militia musters, the troops of the United States and of this State, may pass any such road free from toll.

Tolls to be collected.

SEC. 12. That all macadamized or plank road companies, hereafter to be organized under the provisions of this act, shall put up a post or stone at the end of each mile, with the number of miles from the beginning of said road, fairly cut or painted thereon, and also, in a conspicuous place near each gate, shall be placed a board with the rates of toll painted thereon, and no toll shall be demanded unless such rates are kept up.

Mile stones to be erected.

SEC. 13. That, if any toll gatherer of any macadamized or plank road shall unlawfully detain any passenger after toll has been paid or tendered, or shall demand or receive greater toll than shall be allowed by the county commissioners on such road, he shall, for every such offense, forfeit and pay a sum not exceeding twenty dollars, to be recovered, with costs of suit, before any justice of the peace having competent jurisdiction thereof: *Provided*, no suit shall be commenced

Penalty.

against any toll gatherer, for any offense committed or penalty incurred under this section, unless the same shall be commenced within twenty days from the time of committing the same, and the defendant or defendants in any such suit or action may plead the general issue, and give this act and special matter in evidence.

File a complaint in writing.

SEC. 14. That, if [any] macadamized or plank road company shall fail to keep their road in repair for five days successively, any person may file a complaint in writing before any justice of the peace of the county, setting forth the nature of the defect complained of, designating the place in the road where it exists; and it shall be the duty of the justice to appoint two disinterested persons as inspectors, to meet at the place complained of, within five days; and of the time and place of meeting reasonable notice [shall be given] to the gate keeper nearest the place of meeting; and the inspectors shall then examine into the truth of the matter complained of, and, if they shall find the complaint to be true, they shall send a certified copy of the complaint and of the finding thereon to the keeper of each of the gates between [which] such defective place shall be, and thereafter no toll shall be received at such gates for the intermediate distance, until the parts of the road complained of shall be fully repaired; and the inspectors and justice of the peace shall be entitled to one dollar per day for their services, and shall be paid by the company, if the complaint be sustained, and if it shall fail, then by the complainant.

Vacancy.

SEC. 15. That, in case any vacancy, by death or otherwise, occurs in any board of directors of road companies, it shall be lawful for the remaining directors to appoint another director to fill such vacancy, and the person so appointed shall be a director until the next succeeding stated election, and until his successor shall be elected and qualified.

SEC. 16. This act shall take effect and be in force from and after its publication once in the State Record.

Approved February 15, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXIV.

DUTIES OF COUNTY OFFICERS.

AN ACT defining the duties of county officers.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county commissioners of the several counties of the State of Kansas be and are hereby authorized and directed to procure a blank book, to be called "Road Record," for the use of the county, in which the several county clerks shall record all proceedings in regard to laying out and establishing roads in or passing through their respective counties, which said record shall include the report of the commissioners and surveyor locating any road; and the records of said reports and location are hereby declared prima facie evidence of the statements therein contained in all courts in the State of Kansas. Duty of county clerks.

SEC. 2. That the various township trustees are instructed to furnish the county clerk, upon his written order, with a report of the various township roads in their respective townships.

SEC. 3. This act shall be published once in the Topeka State Record, and shall be in force from and after such publication.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXV.

COUNTY SEAT OF COFFEY COUNTY.

AN ACT providing for the permanent location of the county seat of Coffey county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That there shall be held at the usual place of holding elections in the several precincts within the county of Coffey, on the fourth Monday of March, 1865, an election for the location of the permanent seat of justice of said county.

SEC. 2. That the judges and clerks of elections acting under the provisions of section 2 of an act providing for the [election of] township officers, approved May 23d, 1861, will act as judges and clerks of said elections.

SEC. 3. The loyal resident voters of said county of Coffey may vote for the place of their choice by printing or writing the same upon the ballot, and the place receiving a majority of all the votes cast shall be the permanent seat of justice of said county.

SEC. 4. That it shall be the duty of the judges of said election in each precinct to transmit to the county clerk, upon the poll books for said election, the result of said election.

SEC. 5. That the board of county commissioners, at the time prescribed for the canvassing the returns of the several township elections, shall also canvass the votes cast for county seat, and declare the result by publication.

SEC. 6. That, in case no place shall receive a majority of all the votes cast at said election, then the two places having the highest number of votes at said election, held as aforesaid, shall be voted for at the next succeeding general election held in November, and the sheriff of said county shall give notice thereof in his election proclamation.

SEC. 7. That the result of said vote shall be returned upon the poll books of said election, by the judges thereof, to the county clerk, as prescribed by law.

SEC. 8. That the board of county commissioners, at their meeting to canvass the vote of the general election, shall also

canvass the vote for the county seat, and the place having the highest [number of] votes shall be declared the permanent seat of justice of said county, by publication.

SEC. 9. That the county officers who are required by law to keep their offices at the county seat shall, within twenty days after said publication, remove all books, records, papers, furniture, &c., belonging to the county, to the place therein named; and if any officer shall fail to remove the same, as thus required, he or his sureties shall pay the county the sum of five dollars for each and every day of such failure, to be sued for and collected by the board of county commissioners.

SEC. 10. *Provided*, That the Legislature, at its present session, shall enact a general law for the permanent location of county seats, then this law shall be inoperative and void.

SEC. 11. That this act shall take effect and be in force from and after its publication in the Kansas Patriot.

Approved February 6, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Kansas Patriot for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXVI.

COUNTY SEATS—REMOVAL AND LOCATION.

AN ACT amending an act entitled "An act providing for the removal of county seats, and the permanent location of the same," approved March 2d, 1863.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 1 of the act to which this is amendatory shall read as follows: "Sec. 1. That, where a county seat of a county never has been located by a popular vote of the legal electors of a county, a majority of such electors may petition

the board of county commissioners of their county for a vote upon the location of their county seat, unless at such county seat there have been erected county buildings at a cost to the county of at least one thousand dollars ($1,000), in which case there shall not be a vote upon such county seat, except as is provided for county seats on the location of which there has already been a popular vote; and such board of county commissioners shall order an election, as hereinafter provided; and when a number equal to three-fifths of the voters of any county in this State at the last general election shall petition the board of county commissioners of such county for a removal and permanent location of the seat of justice of any county, whenever the county seat has been located by a popular vote of the electors thereof, the county commissioners shall, within fifty days thereafter, cause an election to be held at the various places of voting in said county, said commissioners giving thirty days' notice in some newspaper published in the county, or by posting written or printed notices at the several voting precincts in the county. Such notice shall state the time and place of holding, and the purpose for which such election is held. The place receiving a majority of all the votes cast at such election shall be declared the seat of justice of said county: *Provided*, no place receiving a majority of all the votes cast, there shall be held a second election for said seat of justice, on the second Tuesday thereafter, at which second election the balloting shall be confined to the two places having the highest number of votes of the first election, as provided for in this act."

Permanent location.

SEC. 2. That section 5 of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the State Record for Feb. 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXVII.

COUNTY OFFICERS OF LINN COUNTY.

AN ACT to legalize the action of county clerk, board of commissioners and treasurer of the county of Linn.

WHEREAS, The county clerk for the county of Linn, by reason of having been called into the military service of the State, was prevented from making out the tax roll for 1864, and delivering the same to the treasurer of said county within the time prescribed by law; and whereas, the board of commissioners for said county, at the January session of said board, did order that the treasurer aforesaid do not commence the collection of penalty on delinquent taxes of 1864, until February 26th, 1865; and whereas, the said treasurer is acting in conformity to the order of the board of commissioners as aforesaid; therefore,

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the action of the county clerk, board of commissioners and treasurer of the county of Linn be and the same is hereby legalized.

SEC. 2. That the Auditor of State is hereby authorized and instructed to credit the county of Linn with the amount of penalty, which otherwise would have been due on delinquent taxes of 1864, paid between the twelfth day of January and the twenty-sixth day of February, 1865.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved.

S. J. CRAWFORD,
Governor.

CHAPTER XXVIII.

COUNTY AFFAIRS.

AN ACT to regulate county affairs.

Be it enacted by the Legislature of the State of Kansas:

Duty of county commissioners.

SECTION 1. That the board of county commissioners shall cause to be published a statement at the close of every regular or special meeting, of all sums of money allowed, and for what purpose, to whom issued; said statement to be published once in some paper of general circulation in the county. They shall also publish a statement of the estimate of expenditures for the various purposes upon which they based their levy of a tax for the various purposes of revenue. They shall also require the county clerk, at the close of every regular session, to publish a statement showing the amount of county indebtedness, also the amount of all outstanding county warrants, also the amount redeemed and cancelled at any meeting of the board.

SEC. 2. That no county board or county clerk, in allowing fees to justices of the peace or other persons, for costs in criminal cases to be paid by the county, shall issue warrants for witnesses' fees to persons other than those entitled thereto, and no clerk shall deliver any county warrant for fees in criminal cases to any other persons than those named therein, unless the person applying for the same shall produce and file with the county clerk a written order for the same.

Fees allowed.

SEC. 3. That all fees, costs or other allowances, or any legal fees obtained from or allowed against any county, when the same is not authorized by law, may be recovered back in a civil action in the name of the proper county, in any court of competent jurisdiction; and on the rendering of the judgment in any such case, the justice or court rendering the same shall add one hundred per cent. to the same, and also a fee of ten dollars if in a justice's court, and twenty-five dollars if in the District Court, to go to the county attorney or other person prosecuting the same.

SEC. 4. This act to take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXIX.

DUTIES OF COUNTY COMMISSIONERS.

AN ACT relating to the duties of county commissioners.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The boards of county commissioners of the several counties of this State shall have exclusive control of all expenditures accruing either in the publication of delinquent tax lists, treasurers' notices, county printing, or any other county expenditures. Duty of commissioners.

SEC. 2. This act to take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 2, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 4, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXX.

DUTIES OF COUNTY TREASURERS.

AN ACT concerning the duties of county treasurers.

Be it enacted by the Legislature of the State of Kansas:

Duties of county treasurer.

SECTION 1. That it shall be the duty of the various county treasurers of the State of Kansas, on the receipt of any scrip for the payment of taxes, and for other purposes, to immediately endorse thereon the date of its receipt, the amount of interest, if any, allowed on the same, and the name of the party by whom the same was paid or delivered to said county treasurer.

SEC. 2. This act to be in force from and after its publication once in the Daily State Record; and the Secretary of State is hereby instructed to furnish each county treasurer and county clerk with a copy of such paper.

Approved February 8, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Daily State Record for Feb. 11, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXI.

COUNTIES OF SALINE, DICKINSON AND OTTAWA.

AN ACT to detach the counties of Saline, Dickinson and Ottawa from the county of Davis, and attach the counties of Dickinson and Ottawa to the county of Saline.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the counties of Saline, Dickinson and Ottawa shall be and hereby are detached from the county of Davis.

SEC. 2. For judicial purposes, the counties of Dickinson and Ottawa shall be and hereby are attached to the county of Saline.

SEC. 3. The county of Saline shall be and hereby is included in the third judicial district.

SEC. 4. All actions and suits now pending in any of the courts of Davis county, from said counties of Saline, Dickinson and Ottawa, shall be prosecuted in said courts to final termination, and shall in no wise be affected by this act.

SEC. 5. That so much of the first section of an act entitled "An act regulating the terms of the district court in the several judicial districts" as is inconsistent with the provisions of this act is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and publication once in the Topeka State Record.

Approved February 2, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 5, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXII.

COUNTY OF GREENWOOD.

AN ACT to attach Greenwood county to Lyon county, for judicial purposes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county of Greenwood is hereby detached from the county of Woodson, and attached to the county of Lyon, for judicial purposes.

SEC. 2. All cases pending in the district court of the county of Woodson, the cause of action of which arose in the county of Greenwood, or in which county the parties thereto reside, are hereby transferred from the district court of Woodson county to the district court of the county of Lyon.

SEC. 3. It shall be the duty of the district court clerk of the county of Woodson, upon application of either party to cases hereinbefore transferred, verified by affidavit, that the cause of action arose in the county of Greenwood, or the defendant resided therein, to make out and send, or cause to be sent, to the clerk of the district court of Lyon county, a certified transcript of the proceedings in such case or cases, together with the original papers in the same. Said transcript and papers shall be filed by the clerk of the district court for Lyon county; the expense of such transfer to be taxed and collected as costs in the same; and said actions, so transferred, be prosecuted to final effect, the same as if said action had been commenced in said county of Lyon.

SEC. 4. This act to take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 2, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 5, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXIII.

TRANSCRIBING RECORDS OF MORRIS COUNTY.

AN ACT to authorize the commissioners of Morris county to provide for transcribing the records of the District Court of said county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the commissioners of Morris county be and they are hereby authorized to have the records of the District Court for Morris county transcribed in a substantial manner.

SEC. 2. That the person employed to transcribe said records be allowed the sum of ten cents per folio of one hundred words, out of any money in the county treasury, for such services.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XXXIV.

DISTRICT COURTS.

AN ACT concerning District Courts.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The counties of Saline, Dickinson and Ottawa shall be attached to the third judicial district.

SEC. 2. There shall be a district court established at the county seat of Saline county.

SEC. 3. Whenever sixty of the legal voters of Saline, Ottawa and Dickinson counties shall petition the district judge of the third district to hold a term of the District Court in Saline county, it shall be the duty of said judge to hold a term

of court in said county of Saline, and he shall give sixty days' notice to the clerk of the district court of Saline county of the time when said court will be holden in said county, and the said judge shall proceed to hold said court at the time by him so appointed in all respects the same as if said term had been fixed by law.

SEC. 4. The judge of said district shall appoint a clerk of said court within thirty days from the publication of this act, who shall serve until the next general election, and until [his] successor shall be elected and qualified. Said clerk shall, at the expense of the counties of Saline and Dickinson, furnish said court with a full set of books of the usual size and of good material; and the Secretary of State shall forthwith furnish said court with a seal as now provided by law, to be kept by the clerk of said court at his office.

SEC. 5. That no part or portion of the costs or expense of establishing or holding said district court, or any expense or costs in any way appertaining thereto, shall ever be taxed to or paid by the county of Ottawa, so long as said Ottawa county remains an unorganized county.

SEC. 6. The terms of the district court in the third judicial district shall commence each year as follows: In the county of Saline, on the —— Monday of ———. In the county of Davis, on the fourth Monday in March and September. In the county of Riley, on the Thursday next following the fourth Monday of March and September. In the county of Potawatomie, on the Monday next following the fourth Monday in March and September. In the county of Wabaunsee, on the Thursday next following the Monday next following the fourth Monday in September. In the county of Jackson, on the third Monday in April and October. In the county of Jefferson, on the fourth Monday of April and October. In the county of Shawnee, on the third Monday of May and November.

SEC. 7. That chapter forty (40) and section three (3) of chapter fifty-two (52) of the Laws of 1864 be and the same are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication once in the Daily State Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXV.

COLLEGES, ACADEMIES, ETC.

AN ACT to amend an act to enable the trustees of colleges and academies, universittes, and other institutions, societies and companies, to become bodies corporate.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section forty-six of an act to enable the trustees of colleges and academies, universities and other institutions, societies and companies [to] become bodies corporate, approved February 9th, 1859, be and the same is hereby amended to read as follows: "Section 46. That the board of directors, as trustees of any company heretofore incorporated or which may hereafter be incorporated under the law [to which this is] amendatory, shall have [the] power, at any regular meeting of the directors or trustees, to reduce or increase the capital stock of any such incorporation upon a written application of a majority of the stockholders of such incorporation: *Provided*, that the rights of creditors shall not be affected or in any wise impaired by reducing or increasing the capital stock of any such corporation."

SEC. 2. That the privilege of increasing the capital stock of incorporated companies be extended to any company heretofore or hereafter incorporated, and that any person or persons

exercising any franchise granted by any law of the Territory or State of Kansas, may create, issue and dispose of stock, with the view of maintaining the objects of such franchise as fully as any incorporated company.

SEC. 3. That section forty-six of the act to which this is amendatory, be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 12, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXVI.

APPROPRIATION FOR EDUCATING DEAF AND DUMB.

AN ACT in relation to the deaf and dumb.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That until such time as the State shall erect suitable buildings for the care and instruction of the deaf and dumb, they shall be cared for and instructed at Baldwin City, Douglas county, Kansas: *Provided*, that the citizens or any number of citizens of said Baldwin City shall furnish, without expense to the State, a suitable building or buildings for such purpose.

Located at Baldwin City.

SEC. 2. That the sum of four thousand five hundred dollars, or so much thereof as may be necessary, be hereby appropriated out of any money, not otherwise appropriated, for the purpose of assisting Professor Joseph Mount as teacher of the

Appropriation.

deaf mutes of the State of Kansas; that the said Mount be allowed five dollars per week for board and tuition for each and every deaf mute pupil of this State receiving instruction from him or his assistants.

SEC. 3. That a board of three examiners be appointed by the Governor, who shall meet at Baldwin City at least once in each term during the year eighteen hundred and sixty-five, on such day as the Governor may designate, to examine into the management of the school, and the condition of the pupils, and shall make to the Governor a full and impartial report of such management and condition. Appointment by Governor.

SEC. 4. The said Mount or one of his assistants must produce to the Auditor of State a written certificate at the close of each term, stating the number of pupils and the number of weeks each pupil attended his school during the preceding term, which certificate must be subscribed and sworn to before some person authorized by law to administer oaths. Duty of the principal.

SEC. 5. The Auditor of State is hereby authorized to issue warrants upon the State Treasurer for the amount and purpose specified in the above-mentioned certificate.

SEC. 6. The said Mount or one of his assistants must produce to the Governor, at the close of the year, a written report, stating the name, age and sex of each pupil, their number, time at school, county of residence, names of parents or guardians, together with such other remarks as said Mount may deem proper to be made.

SEC. 7. That Professor Mount be authorized to appoint a competent steward, not deaf, who shall be entitled to receive at the rate of five hundred dollars per year, payable quarterly out of the money appropriated by this act, for his services during the year eighteen hundred and sixty-five.

SEC. 8. This act shall take effect from and after its publication once in the State Record.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 12, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXVII.

APPOINTMENT OF A COMMISSIONER TO MAKE DEEDS.

AN ACT to provide for the appointment of a commissioner to make deeds in the several counties in this State.

WHEREAS, By reason of death and removal from the State of members of certain town companies, there is not a sufficient number of members of such companies to transact its necessary business, now resident in the State of Kansas, and have failed to keep up their organization by the election of officers; and whereas, there is a large number of certificates of stock of such companies, now outstanding, and the holders of which never have received deeds to the lots in said towns, to which said certificates of stock entitled them; therefore,

Be it enacted by the Legislature of the State of Kansas:

Duty of county commissioners.

SECTION 1. That it shall be the duty of the county commissioners of the several counties in this State, upon the application of the majority of the members of any town company now resident in the State of Kansas, and upon sufficient proof being made that such applicants are such majority, to appoint some suitable person as commissioner, to be styled "commissioner for making deeds to town lots;" such appointment to be attested by the county clerk, and under seal of the board of county commissioners.

Bond and oath.

SEC. 2. That the commissioners named in this act, before entering upon the discharge of their duties pertaining to their office as hereinafter provided, shall give an undertaking in the sum of three thousand dollars, with two or more sureties, to

the State of Kansas, to be approved by the board of county commissioners, conditioned for the faithful performance of the duties prescribed by this act, and shall take an oath to faithfully perform all the duties enjoined upon them by this act, which undertaking and oath shall be filed in the office of the county clerk.

SEC. 3. That such commissioner shall have charge of the books and records of the town companies in his county, that desire to avail themselves of this act; and it is hereby made the duty of such person or persons now having possession of the books and the records belonging to such town company, to deliver them to such commissioner immediately after he is notified that the town company wish to avail themselves of this act, to perfect the title to town lots to which they are entitled.

SEC. 4. It shall be the duty of such commissioner, upon the application of any holder of certificates of stock of such town company, and upon presentation and delivery of such certificates, to make a deed to the lots specified in such certificate, or to the lots which the books of the company show that the certificate holder is entitled, conveying all the interest the company had in and to said lots: *Provided*, that no deed shall issue to holders of certificates of stock, when it shall appear by the books of such town company that [a] deed or deeds to the same lots have already been made, until proper investigation can be had, and the mistake, if any there be, corrected; and all deeds by such commissioner shall be acknowledged in the manner prescribed by law, for conveyances of real estate, and shall be as valid in all respects as though they had been made by the officers of such town company in accordance with their by-laws and act of incorporation.

Deeds issued on certificates.

Deeds conveyed in like manner of real estate.

SEC. 5. Such commissioner shall be entitled to receive as compensation for his services, the sum of one dollar for each and every deed executed by him when such deeds shall not contain more than fifteen lots, and five cents for each additional lot, to be paid by the party making application for such deed, who shall pay for the acknowledgment of the same, and the revenue stamps required by law.

Compensation.

SEC. 6. The office of such commissioner shall become vacant

Vacancy.

upon the death of the incumbent, his resignation, his ceasing to be a resident of the county for which he was appointed, his failing within twenty days after appointment to file an undertaking and the oath of office, his conviction of any infamous crime, or any offense involving a violation of his official oath or a breach of his official bond; and it shall be the duty of the board of county commissioners, upon being satisfied that a vacancy exists in the office of such commissioner from any of the causes specified, and there being a necessity to perfect the title to town lots in their county, such commissioners shall appoint another person as such commissioner, who shall qualify in the same manner, and discharge the duties prescribed in this act, and be entitled to the fees hereinafter specified.

SEC. 7. Such commissioner shall hold his office for four years, and any person feeling himself aggrieved by any act of such commissioner may bring suit in his own name on the official bond of such commissioner at any time within three years next after the cause of action shall have accrued.

How suit may be brought.

SEC. 8. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XXXVIII.

ELECTIONS.

AN ACT amending an act entitled "An act to regulate elections and prescribe the qualifications of voters, and to prevent illegal voting," approved May 23d, 1861.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section ten (10) of said act be so amended as to read as follows: "Section 10. If a person offering to vote is challenged as unqualified by one of the judges of election, or by any elector, one of the judges shall tender to him the following oath or affirmation: You do solemnly swear or affirm that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualification of an elector at this election. First, If the person be challenged as unqualified on the ground that he is not a citizen, the judges, or one of them, shall put the following questions: 1. Are you a citizen of the United States? 2. Are you a native or naturalized citizen, and if neither, have you declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization? 3. Have you become a citizen of the United States by reason of the naturalization of your parents, or one of them? 4. Where were your parents, or one of them, naturalized? If the person offering to vote claims to be a naturalized citizen of the United States, or that he has declared his intentions to become such, he shall state, under oath or affirmation, where and in what court he was naturalized. Second, If the person be challenged as unqualified on the ground that he has not resided in this State for six months immediately preceding the election, the judges, or one of them, shall put the following questions: 1. Have you resided in this State for six months immediately preceding this election? 2. Have you been absent from this State within the six months immediately preceding this election? If [so], when you left, was it for a temporary purpose, with the design of returning, or did you intend remaining away? 4. Did you, while absent, look upon and regard this State as your home? 5. Did you, while absent,

Oath.

Qualifications of voters.

vote in any other State or any Territory? Third. If the person is challenged on the ground that he is not a resident of the township or ward where he offers to vote, the judges, or one of them, shall put the following questions: 1. When did you come into this township or ward? 2. When you came into this township or ward, did you come for a temporary purpose merely, or for the purpose of making it your home? 3. Have you been for the last thirty days an actual resident of this township or ward? Fourth. If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question: Are you twenty-one years of age, to the best of your knowledge and belief? The judges of the election, or one of them, shall put all such other questions to the persons challenged under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election.

SEC. 2. This act to take effect and be in force from and after publication in the statute book.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XXXIX.

FOREST TREES.

AN ACT to encourage the growth of forest trees.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person planting five acres or more of prairie land, within ten years from the passage of this act, with any kind of forest trees, and successfully growing and cultivating the same, shall be entitled to receive an annual bounty of fifty cents per acre for each acre so planted and

cultivated, to be paid out of the county treasury for the term of twenty-five years, commencing two years after said grove has been planted. The county assessor shall be the judge of the merits of each grove so planted, and shall enter upon his tax roll a minute of the same, opposite the land upon which said grove is planted, and the name of the owner of said land.

SEC. 2. Upon the county board of commissioners being satisfied that the provisions of the first section of this act have been complied with, they shall order warrants to be issued upon the county treasurer for the bounty above specified.

SEC. 3. This act to be in force from and after its publication in the Topeka Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XL.

GEOLOGICAL SURVEY.

AN ACT making an appropriation for a geological survey.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The Governor is hereby authorized to appoint, with the consent of the Senate, a State geologist for the State of Kansas, whose term of service shall commence on the first day of March, eighteen hundred and sixty-five. Governor to appoint.

SEC. 2. That the sum of seven thousand five hundred dollars, or so much thereof as may be needed, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the prosecution of the geological survey for the year eighteen hundred and sixty-five: *Provided*, that Appropriation.

services rendered or expense incurred by the State geologist shall [not] be paid until a detailed statement, specifying the number of days' service and the items of expenses, verified by affidavit, and approved by the Governor, be filed with the Auditor of State.

Duty of Auditor.

SEC. 3. The Auditor of State shall issue his warrant on the Treasurer of the State for such accounts as the Governor shall approve.

SEC. 4. This act shall take effect and be in force from and after its publication once in the Daily State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XLI.

PROTECTION OF GAME.

AN ACT to amend "An act to provide for the protection of game," approved May 14th, 1861.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of the act to which this is amendatory be and the same is hereby amended, so as to read as follows: "Section 1. That it shall be unlawful for any person or persons to shoot, kill or trap within this State any quails, partridges, wild turkeys or deer, between the first days of April and September of each year."

SEC. 2. That section 1 of said act be and the same is hereby repealed.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XLII.

INCLOSURES.

AN ACT to amend an act entitled "An act regulating inclosures," approved Feb. 11th, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the second section of an act entitled "An act regulating inclosures," approved February 11th, 1859, be amended so as to read as follows: "All fences composed of posts and rails, posts and palings, posts and planks, stone, or palisades, shall be at least four feet and a half high; those composed of turf shall be at least four feet high, and staked and ridered; and what is commonly called a worm fence shall be at least five feet high, to the top of the rider, or, if not ridered, shall be five feet to the top rail, and the corners shall be locked with strong rails, poles or stakes. The bottom rail, board or plank in any fence shall not be more than one foot from the ground, and substantially built, and sufficiently close to prevent stock from going through; and a fence composed of hedge shall be of such height and thickness as will be sufficient to protect such field or inclosure.

SEC. 2. That section second of the act to which this is amendatory be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after the first day of March, one thousand eight hundred and sixty-six.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XLIII.

INCORPORATING THE CITY OF ATCHISON.

AN ACT to amend an act entitled "An act to incorporate the city of Atchison, Kansas Territory," approved February 12th, 1858.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four of an act entitled "An act to incorporate the city of Atchison," approved February 12th, 1858, be amended so as to read: "Section 4. That each ward shall have three councilmen, who shall be chosen by the qualified electors of their respective wards, and who shall serve for three years, and until their successors shall be elected and qualified. And no person shall be eligible to the office of councilman who is not at the time of his election an actual resident of the ward for which he is elected, and a qualified elector under the constitution of the State of Kansas: *Provided*, at the first election after the passage of this act, there shall be three councilmen elected, one of whom shall serve [for] one year, and one for two years, and one for three years, and one councilman for each ward shall be elected at each annual election thereafter. Whenever there shall be a tie in the election of councilman, it shall be determined by lot, by the judges of election of the ward in which it shall happen, and all vacancies shall be filled by election as aforesaid in such manner as shall be provided by ordinance, and no councilman shall be allowed any compensation for services as councilman.

SEC. 2. That, in making the improvement authorized by section four of an act entitled "An act to amend an act entitled 'An act to incorporate the city of Atchison,'" approved February 12th, 1858, and approved February 2nd, 1860, the same [shall] be charged to the entire street, lane or alley to be improved, and the city council shall provide by ordinance, the manner in which the sum due on or from any lot, piece or parcel of land shall be ascertained, and, when so ascertained, shall be and remain a lien on the same, until the same is discharged; and in all cases, after the corporate authorities of

the city of Atchison have ascertained the just and true sum due from any lot, piece or parcel of land, the same may be, by order of such corporate authorities, certified to the county clerk, and by him placed on the tax roll of the county; and the assessment so placed on the tax roll, and charged to any such lot, piece or parcel of land, shall be collected in the same manner as taxes are collected by law. In any case, where the collection of any assessment as aforesaid has been prevented or delayed by injunction or other legal proceedings, the city of Atchison, or the person or persons making the improvements, or doing the work, his or their assignees, may proceed by a civil action to enforce such lien on any such lot, piece or parcel of land, as is provided by law for the enforcement of liens on real estate in other cases, and judgment shall be rendered for the sum due, with all interest, costs and expense; and said lot, piece or parcel of land subjected to any such lien shall be sold without appraisement.

SEC. 3. It shall be the duty of the city council, each and every year, to make the annual levy of taxes for purposes of general city revenue one mill less than the previous year, until the levy for general revenue shall not exceed five mills on the dollar for any one year; and after the year eighteen hundred and seventy, the annual levy of taxes for general revenue purposes shall not exceed five mills on the dollar: *Provided*, the city council shall not be required to levy less than five mills on the dollar in any one year.

SEC. 4. The corporate authorities of the city of Atchison are hereby authorized to make contracts with, and authorize any person, company or association to erect gas works in said city, and give such persons, company or association the exclusive privilege of furnishing gas to light the streets, lanes and alleys of said city for twenty-one years.

SEC. 5. Section fourth of the act to which this is amendatory be and the same is hereby repealed.

SEC. 6. That this act shall be published once in the Freedom's Champion, and shall be in force from and after such publication.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Freedom's Champion for Feb. 23, 1865.

R. A. BARKER,
Secretary of State.

"This is the 1st General law of Kansas for incorporation of RR Co" 11 Kansas 442.

CHAPTER XLIV.

INCORPORATION OF RAILROADS.

AN ACT to provide for the incorporation and regulation of railroad companies.

Be it enacted by the Legislature of the State of Kansas:

See p 115 & Laws of 1855 p 914

Name, place and capital.

SECTION 1. That any number of persons, not less than nine, associating for the purpose of constructing a railroad, shall subscribe a statement which shall specify as follows: First, the name assumed by such company, and by which it shall be known. Second, the name and place of residence of each of the persons forming the association. Third, the name of the place or places of the termini of said road. Fourth, the proposed amount of capital stock of said company, which shall not be less than five thousand dollars per mile of said railroad. Such statement, verified by the affidavit of three or more of the persons therein named, shall be acknowledged before some one authorized to take the acknowledgment of deeds, and filed in the office of the Secretary of State, to be by him recorded in a book kept for that purpose, and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such company.

Filing of certificate.

SEC. 2. That when such certificate shall have been filed and recorded as aforesaid, the persons named as corporators therein are hereby authorized to carry into effect the objects named in said certificates, in accordance with the provisions of this act; and they and their associates, successors and assigns, by the

— The Act of 1859 (p 305) did not embrace Railroads

name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with powers to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal, and the same to alter at pleasure, and to do all acts necessary to carry into effect the objects for which said company was created, and such company shall possess all the powers and be subject to all rules, liabilities and restrictions provided by this act: *Provided*, that any corporation or corporations formed and organized or consolidated under the provisions of this act, exercising or attempting to exercise any banking powers under any pretense whatever, or the business of broker or brokerage, shall forfeit their right of incorporation and consolidation under or by virtue of this act.

Subject to restrictions of this law.

SEC. 3. Any corporation formed in pursuance of this act shall be and is hereby authorized to construct and maintain a railroad with single or double track, with such side-tracks, turnouts, offices and depots as it may deem necessary between the points named in the certificate, commencing at or within and extending to or into any town, city or village along the line of said road, or named as the place of the termini of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

Construction of depots, etc.

SEC. 4. The capital stock of such company shall be divided into shares of one hundred dollars each, and consist of such sums as may be named in the certificate; such shares shall be regarded as personal property, and shall be subject to execution at law.

Capital stock.

SEC. 5. An installment of two per cent. on each share of stock shall be payable at the time of making the subscription, and the residue thereof shall be paid in such installments, and at such times and places and to such persons, as may be required by the directors of such companies.

Installments.

SEC. 6. If any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such

Unpaid installments.

stock is held by an assignee, transferree, or the original subscriber, the same may be collected by civil action, or the directors may sell the stock so unpaid at public auction, for the installment then due thereon, first giving thirty days' public notice of the time and place of sale in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription or becoming such assignee or transferee, or in the county of his actual residence at the time of making such assignment or transfer, or if such stockholder reside out of the State, or his residence shall be unknown, such publication shall be made in the county where the principal office of the company is located; and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand, be paid over to the owner. If the whole of said installment be not paid by such sale, the remainder shall be recoverable by a civil action against the subscriber, assignee or transferee.

File with Secretary of State.

SEC. 7. That, whenever any railroad company heretofore incorporated, or created and incorporated under the provisions of this act, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the Secretary of State a certificate, setting forth the amount of desired increase, which shall not exceed fifty thousand dollars per mile of said railroad, and thereafter such company shall be entitled to have such increased capital as is fixed by such certificate.

Books of subscription to be opened.

SEC. 8. That the persons named in said certificate of incorporation, or a majority of them, shall, within three months after the filing of said certificate, cause books to be opened for receiving subscriptions to the capital stock of said company, at such time or times and at such place or places as they may determine, after having given at least thirty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books, which books shall be kept open till the whole amount of capital stock is subscribed; and, so soon as ten per centum of the capital stock shall be subscribed, they shall give like notice for the stockholders to

meet, at such time and place as they may designate, for the purpose of choosing eleven directors from the stockholders of the company, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified. At the time and place appointed, directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies. Each share shall entitle the owner to one vote, and a majority of votes shall be necessary for a choice; but no person shall vote at any election of directors on any share on which any installment is due and unpaid. The persons named in such certificate, or such of them as may be present, shall be inspectors of election, and shall certify what persons are elected directors, and appoint the time and place of holding the first meeting. A majority of said directors shall form a board, and be competent to fill vacancies in their board, and [to] transact all business of the corporation. An annual election shall be held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath or affirmation faithfully to discharge his duties; and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

Directors to be chosen by ballot.

Annual meeting.

SEC. 9. The stock of any railroad company created under this act shall be transferable only on the books of said company; and no person shall, at any election, be entitled to vote on any stocks of any such company unless the same shall have been standing, in the name of the person so claiming to vote on said stocks, upon the books of said company, at least thirty days prior to such election.

SEC. 10. Such corporation is authorized to enter upon any land, for the purpose of examining and surveying its railroad line, and may appropriate thereof as may be deemed necessary for its railroads, including necessary side-tracks, depots and work-shops, and water stations, material for construction,

Relating to private property.

except timber, a right of way over adjacent lands sufficient to enable such companies to construct and repair its roads, and a right to conduct water by aqueducts, and the right of making proper drains; but no appropriations of private property to the use of any corporation provided for in this act, shall be made until full compensation therefor be first made, in money, or first secured by deposit of money, to the owner or owners, irrespective of any benefit from any improvement proposed by such corporation, or in such manner as is or may be prescribed by law.

Rights, powers, etc., given to use land.

SEC. 11. That whenever any railroad company heretofore incorporated, or which may hereafter be incorporated, shall find it necessary, for the purpose of avoiding annoyance, public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portion of their road, whether heretofore made or hereafter to be made, such railroad companies shall be and are hereafter authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company; and for the purpose of making any such change in the location and grade of any such road as aforesaid, such company shall have all the rights, powers and privileges to enter upon and take and appropriate such lands, and make surveys necessary to effect such changes and grades, upon the same terms, and be subject to the same obligations, rules and regulations as are or shall be prescribed by law, and shall also be liable in damages, when any have been caused by such changes, to the owner or owners of the lands upon which said road was heretofore constructed, to be ascertained and paid or deposited as aforesaid; but no damages shall be allowed unless claimed within ninety days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or notice [by] publication for four successive weeks, in some newspaper in general circulation in the county, if non-residents.

Damage paid as provided by law.

SEC. 12. If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way or ground of any kind or any part thereof, it shall be com-

petent for the municipal or other corporation or public officer or public authorities owning or having charge thereof, and the railroad company, to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such company, to use or occupy such road, street, alley or other public way or ground, such company may appropriate so much of the same as may be necessary for the purposes of said road, in the same manner and upon the same terms as is provided for the appropriation of the property of individuals, by the ninth section of this act. But no railroad company shall be entitled, under the provisions of this act, to build any street railroad in any incorporated town or city, without the consent of the authorities thereof and of the citizens of such city, expressed by a majority at some general election.

Terms and conditions to be agreed upon.

SEC. 13. Such corporation may demand and receive for the transportation of passengers on said road, such reasonable rates as may be from time to time prescribed by law.

Transportat'n of passengers.

SEC. 14. Such companies shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, and may execute bonds or promissory notes therefor, in sums not less than one hundred dollars; and to secure the payment thereof, may pledge the property and the income of such company.

May borrow money.

SEC. 15. Such company may acquire, by purchase or gift, any land in the vicinity of such road, or through which the same may pass, so far as may be deemed convenient or necessary by said company to secure the right of way, or such as may be granted to aid in the construction of such roads, and the same to hold or convey in such manner as the directors may prescribe; and all deeds and conveyances made by such company shall be signed by the President, under the seal of the corporation; and any existing railroad corporation may accept the provisions of this act, and after such acceptance all conflicting provisions of their respective charters shall be null and void.

To acquire land.

SEC. 16. It shall be lawful for such corporation, whenever it may be necessary in the construction of such road to cross

To cross road or stream.

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any road or stream of water, to direct the same from its present location or bed; but such corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness.

SEC. 17. Such corporation shall, as soon as convenient after its organization, establish a principal office, at some point on the line or at the terminus of its road, and may change the same at pleasure, giving public notice, in some newspaper published in the county where the said principal office is located, of such establishment or change.

Publication.

SEC. 18. Every company organized under this act shall be required to erect, at all points where their road shall cross any public road, at a sufficient elevation from such public road to admit of the free passage of vehicles of every kind, a sign, with large and distinct letters placed thereon, to give notice of the proximity of the railroad and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

Neglect of duty.

SEC. 19. That whenever any railroad company now existing, or which may hereafter organize under this act, shall deem it necessary to extend their line of road across any navigable waters of this State, it shall be lawful, and they are hereby granted, full power to construct such bridge or bridges as may be required for the purpose of said road, across such navigable waters, and to repair and maintain the same in such manner as may best subserve the interest of such company: *Provided*, that such bridge shall not be constructed in a manner to obstruct or impede in any wise the free navigation of said waters, and *Provided*, that nothing herein contained shall be construed as violative of the laws of the United States in respect to the navigable waters therein.

To construct bridges.

SEC. 20. Any railroad corporation may extend its road, with the consent of the stockholders holding two-thirds of the capital stock of the company, and for that purpose, may increase its capital as provided in this act, and the directors for that purpose shall open books of subscription to such increased stock upon the same condition as the original stock, and when

Two-thirds of the capital stock required to extend any road.

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§ 22. Does not repeal Act of 1862

1. State constitution required a general Act
Art 12.
This act was passed to ~~prov~~ provide a
mode of incorporating Railroads & did
not deal with antecedent laws &
Charters & repealed nothing.

2. § 22 not applicable to the special
~~Kind of~~ Considerations with
Pacific Railroads. — i.e. it applies
to lines within State or ending
at State line: . also details
as to number of directors &c.

3. It ~~ref~~ has no express
repeal of the Act 1862
& is recognized as in force by
the Act of 1866. (Sec 11) & the
omission to repeal it in that
Act (Sec 47 1866 p. 137)

4. Not in pari materia with
the special provisions of
the Act of 1862.

subscribed, the same shall become a part of the capital stock of said company, and the president of said company shall make a certificate under his hand and the seal of said company, which shall state the length of said extension as near as may be, the point from and to which the same is to be made, and the estimated cost of such extension, and file the same with the Secretary of State, who shall record the same in his office, and a copy thereof, duly certified by the Secretary of State, under the seal of the State, shall be evidence of the extension of such railroad, and such extension shall be a part of the said railroad.

Trains to stop at stations.

SEC. 21. That every railroad company in this State shall cause all its trains of cars for passengers to stop, upon each arrival at a station advertised by such company as a station for receiving passengers upon such trains, at least one minute, and shall also cause all its trains of cars to entirely stop not more than sixty rods and not less than ten rods before each arrival at the crossing of any other railroad; and every company, and every person in the employment of such company, that shall violate, or cause or permit to be violated, the provisions of this section, shall be liable to a forfeiture of not more than one hundred dollars, nor less than twenty dollars, to be recovered in a civil action before any justice of the peace of the county in which such violation shall occur, upon the complaint of any person, to go to the use of common schools in the county; and such company shall be further liable in the full amount of damages done to property or persons, in consequence of any neglect on the part of its agents or employees to comply with the requirements of this section, and in all cases in which the forfeiture shall occur under the provisions of this section, the company whose agents shall cause or permit such violation shall be liable for the amount of such forfeiture.

Consolidation of companies.

SEC. 22. Any railroad company in this State, forming a continuous or connected line with any other railroad company, may consolidate with such other company, either in or out of this State, into single corporation, in the manner following: First, any two or more railroad corporations may, by their directors, enter into an agreement, under the corporate seal of

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each, for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the names and places of residence and number of the directors thereof, which shall not exceed nineteen, the time and place of holding the first election of directors, the number of shares of capital stock in the new corporation, the amount of each share, which shall not be less than one hundred dollars, the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, the manner of compensating stockholders in each of said two or more corporations who refuse to convert their stock into the stock of such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of this act: *Provided*, that all the stockholders in either of such corporations, who shall refuse to convert their stock into the stock of such new corporation, shall be paid at least par value for each of the shares so held by them, if they shall so require previous to said consolidation being consummated. Second, such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations, separately, at a meeting thereof, to be called upon a notice of at least thirty days, specifying the time and place of such meeting and the object thereot, to be addressed to each of said stockholders, when their place of residonce is known, and deposited in the post office, and published for at least three successive weeks in one newspaper in at least one of the cities or towns in which each of said corporations has its principal office of business, and has been sanctioned by such stockholders by a vote of at least two-thirds [of the] amount of the stock represented at such meeting, either in person, or by proxy, voting by ballot in regard to such agreement, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each

of the meetings of the stockholders, separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations.

Filing of duplicate in Secretary of State's office.

SEC. 23. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate thereof in the office of the Secretary of State, the said two or more corporations, mentioned or referred to in the first section of this act, shall be merged in the new corporation provided for in the agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

Election of directors after consolidation.

SEC. 24. Upon the election of the first board of directors of the corporation created by the agreement in the twentieth section of this act mentioned, and by the provisions of this act, all and singular, the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular, the rights and interests in and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferred to and vested in such new corporation without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with the right of every and all other rights of property, in the same manner and to the same extent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporation; and the titles and real estate, acquired by either of said two or more [corporations], shall not be deemed to revert or be im paired by means of anything in this act contained: *Provided*, that all rights of creditors and all liens upon the property of either of said corporations, parties to said agreement, shall be and are hereby preserved unimpaired; and the respective corporations shall continue to exist so far as may be necessary to enforce the same; and *Provided further*, that all the debts, liabilities and duties of either company shall thenceforth attach to such new corporation and be enforced from the same, to the same extent and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

How purchase may be acquired.

SEC. 25. Any railroad company, heretofore or hereafter incorporated, may, at any time, and by means of subscription to the capital [stock] of any other company, or otherwise, aid such company in a construction of its railroad, for the purpose of forming a connection of said last mentioned road with the road owned by the company furnishing said aid, or any railroad company, organized in pursuance of law, may lease or purchase any part or all of any railroad constructed by any other company; and if said company's lines of railroad are continuous or connected as aforesaid, upon such terms and conditions as may be agreed on between said companies respectively; or any two or more railroad companies, whose lines are so connected, may enter into any arrangement for their common benefit, consistent with and calculated to promote the object for which they were created: *Provided*, that no such aid shall be furnished, nor any purchase, lease or arrangement perfected, until a meeting of the stockholders of each of said companies shall have been called by the directors thereof, at such time and place and in such manner as they shall designate, and the holders of at least two-thirds of the stock of such company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

SEC. 26. All acts of a general nature relating to railroad corporations, and relating to the condemnation and appropriation of lands, and not inconsistent with this act, shall be applicable to corporations created under this act.

Time for const'ction.

SEC. 27. Every company, organized under this act, shall commence construction of its railroad within one year after filing its articles of association with the Secretary of State; and in default thereof, said corporation shall become and be dissolved.

SEC. 28. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XLV.

INCORPORATION OF RAILROADS.

AN ACT to amend an act entitled "An act to provide for the incorporation and regulation of railroad companies," approved Feb., 1865.

Be it enacted by the Legislature of the State of Kansas:

See Chap 86 of Laws of 1855 p 91 & 75 and p 94 infra

SECTION 1. That section six (6) of act entitled "An act to provide for the incorporation [and regulation] of railroad companies," approved February, 1865, be and the same is hereby amended, so as to read as follows: "Section 6. Whenever a call is made upon the capital stock of the company, notice of the making of such call shall be given, by publishing a notice for twenty days in some newspaper published or of general circulation in the county where the principal office of the company is located, specifying the amount of such call and the time and place when and where the same is required to be paid; and, if the installment or installments called for shall not be paid within ten days after the same shall be required to be paid, whether such stock is held by an assignee, transferee or the original subscriber, the same may be collected by civil action, or the directors may sell the stocks upon which the installments so remain unpaid, at public auction, for the payment of the installment or installments then due thereon, first giving ten days' public notice of the time and place of sale, in some newspaper published or of general circulation in the county where such delinquent stockholder resided at the time of making subscription, or becoming such assignee or transferee, or in the county of his actual residence at the

time of making such assignment or transfer, or, if such stockholder reside out of the State, or his residence be unknown, such publication shall be made in some newspaper published or of general circulation in the county where the principal office of the company is located; and, if any residue of money shall remain after paying the amount due on said stocks, the same shall, on demand, be paid over to the owner. If the whole of said installment be not paid by the proceeds of such sale, the remainder shall be recoverable by action against the subscriber, assignee or transferee. Any railroad company heretofore organized, and now in existence, under any special or general law of the Territory or State of Kansas, may, if such company shall by a vote of its board of directors so elect, have and exercise all the rights, powers and privileges conferred by this section of this act. And any person who shall perform any labor or furnish any material for the construction, repairing or altering of any railroad, shall have a lien for the same, in the same manner as though the same were a building, and such lien shall extend to the whole railroad, together with all the real property connected with the road."

SEC. 2. Section six of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the State Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XLVI.

INCORPORATION OF CITIES OF KANSAS.

AN ACT to amend an act entitled "An act to incorporate cities of the State of Kansas," approved March 4th, 1862.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four of the act to which this is amendatory be so amended as to read as follows, to wit: "Section 4. The board of education shall have power to select their own officers, make their rules and regulations, subject to the provisions of this act, to organize and maintain separate schools for the education of white and colored children, to establish a high school whenever, in their opinion, the educational interests of the city demand the same, and shall, at their discretion, allow free schools, wherein the German and English languages are taught, sufficient means to engage competent teachers, at the rates of one teacher for the first fifty scholars, and for more than fifty or less than one hundred scholars, two teachers, and so on, and to exercise the sole control over the public schools and school property of the city."

SEC. 2. This act shall take effect and be in force from and after its passage and after its publication in the Topeka Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Daily State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XLVII.

INCORPORATION OF CITIES OF KANSAS.

AN ACT supplemental to an act to incorporate cities of the State of Kansas, approved March 4th, 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any city or incorporation of less than three thousand inhabitants may organize under, and shall thereafter be governed by, the provisions of the act to which this is supplementary.

SEC. 2. That, for the purpose of deciding whether any city or incorporation shall be governed by the provisions of said act of incorporation, it shall be the duty of the proper officers of such city or corporation, whenever one-third of the voters resident therein shall sign a petition asking it, to provide for the holding of an election, at which ballots may be cast by the voters for or against a new organization. If at said election a majority of the votes cast shall be for a new organization, it shall be the duty of the mayor or other chief executive officer, immediately on the determination of the result of said election, to issue a proclamation of the same, and from and after the date of said proclamation the provisions of said act shall be in full force and effect.

SEC. 3. The mayor, clerk, treasurer, marshal and attorney of any city organized as herein provided shall receive such compensation for their services, and the same shall be paid in such manner, as the city council shall by ordinance provide.

SEC. 4. Immediately upon the election and qualification of the board of education, it shall be the duty of the officers of any school district, within the limits of which said city is included, to pay over to the proper officers, provided by said act, all moneys belonging to said district, and to surrender to said officers all records, books, papers, notes, bonds and property of any kind belonging to said school district; and the said board of education and treasurer shall in all things become the legal successors of said school district officers, and

shall have power to complete and to enforce the execution of all contracts made by or with said school district officers, the same as though the same had originally been made by or with said board of education.

SEC. 5. The territory included within the limits of any city organized as herein provided shall not be included in, nor form any part of, any municipal township.

SEC. 6. This act shall take effect from and after its publication in the State Record, and the Secretary of State shall cause the same to be published immediately upon its approval by the Governor.

Approved February 20, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for March 1, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER XLVIII.

LAWRENCE.

AN ACT entitled "An act to amend and consolidate the several acts relating to the city of Lawrence, approved February 27th, 1860, and the acts amendatory and supplementary thereto."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section sixteen of "An act to amend and consolidate the several acts relating to the city of Lawrence," approved February 27th, 1860, shall be amended, so as to read as follows: "Section sixteen. Justices of the peace in said city shall possess the same jurisdiction which is vested in justices of the peace in townships, and, in addition, shall have exclusive original jurisdiction in all cases arising under

the ordinances of the city, when the penalty or damage claimed does not exceed the sum of one hundred dollars; and the said justices may have, and are hereby invested with, jurisdiction to try all cases arising under the ordinances of this city, in a summary manner, as a police court, and shall have the right, and it shall be their duty, on the affidavit of any person competent to testify against the accused, showing the violation of an ordinance, to issue a warrant or warrants, the same to be served by the marshal of said city, or by his deputy, or by a person duly authorized thereto, for the arrest of offenders, and, on a hearing of the evidence in the case, such justice may discharge, render judgment against, impose fines or penalties upon, or order the imprisonment of, such offender or offenders against such ordinances; or such justice may both render judgment against, fine and order imprisonment, as provided in said ordinances, or either, as in his discretion he may deem proper. Said justices, in cases arising under said ordinances, as to postponement of trials, breaches of recognizance, summoning witnesses, and rules of practice generally, shall be governed by the laws of the State governing justices of the peace in like cases; and it may be a part of the judgment that the defendant stand committed until the judgment be complied with. An appeal in all cases arising under the said ordinances, where the judgment shall be for a sum exceeding ten dollars, exclusive of costs or imprisonment for a term exceeding ten days, shall be allowed from all final determinations of said justices, in the same manner and under the same restrictions as provided for in an act entitled 'An act to define the duties of justices of the peace in cases of breaches of the peace,' approved Feb'y 19th, 1859. A petition in error shall be allowed in all cases, under the restrictions and regulations prescribed in the laws of the State applicable to justices of the peace. The said justices of the peace of said city shall respectively, at the end of every month, pay over to the said city treasurer all moneys in their hands, which they shall have collected, or which shall have come into their hands, belonging to said city, whether for fines, penalties, damages, costs, or otherwise, and shall, on such payment, obtain the receipt of the said treasurer for the same,

and forthwith file such receipt, or a duplicate thereof, with the clerk of said city, and, on or before the first day of February in each year, make a general report to the city council of his receipts and payments aforesaid, and of their doings and proceedings; and of all thereof as such justices, in default of the performance of any of the duties herein prescribed, his said bonds as such justice shall be forfeited."

SEC. 2. That section 18 of said act shall be so amended as to read as follows: "Section 18. The clerk shall have power to administer oaths, and shall keep the corporate seal and all papers belonging to the city. He shall attend the meetings of the city council, and make a record of its proceedings, and perform such other duties as he shall be charged with by the city council. Copies of all papers filed in his office and transcripts from the records of the proceedings of the city council, duly certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall keep his office open every day during the week, Sundays excepted, for which he shall receive such salary as the mayor and council may from time to time determine, which salary shall be payable quarterly."

SEC. 3. That section 22 of said act shall be so amended as to read as follows: "Section 22. Every member of the city council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the State, or ordinance of the city for the preservation thereof, or of good order or morality, and to bring, or cause such persons to be brought, before a justice of the peace for trial. That each councilman shall receive, as compensation for his services as councilman, the sum of three dollars per day for every day actually expended as such councilman, exclusive of time expended at the regular and special meetings of said council, and one dollar for each meeting of the council at which they respectively shall actually be in attendance, the gross sum for services for one year for any councilman not to exceed the sum of one hundred dollars.

SEC. 4. That section 29 of said act shall be amended, so as to read as follows: "Section 29. All actions brought for the

violation of the ordinances or laws of said city, or resolutions of said city council, or for any claim arising under the twenty-sixth section of the act to which this is amendatory, shall be brought in the name of the city. The defendant may be arrested, and the said justices of said city may, at their discretion, in addition to or in lieu of imprisoning a defendant or defendants, convicted of a violation of any ordinance of said city, issue an execution upon any judgment recovered in any case mentioned in this section, against the goods and chattels of any such offender, to the marshal of said city, the same to be executed anywhere within the county of Douglas; and in all cases of a judgment of commitment against any offender of said city ordinances, the defendant shall be taken and imprisoned in the jail of Douglas county, for a time to be fixed in said judgment of said justice, or, in the discretion of the justice convicting, that he be placed, under the direction of such person as may by ordinance be directed, upon the public works of the city, until such judgment and costs shall have been paid, and for such labor the defendant shall be allowed at the rate of one dollar per day.

SEC. 5. That section 33 of said act, as amended by section two of an act to amend an act entitled "An act to amend and consolidate the several acts relating to the city of Lawrence," approved June 4th, 1861, shall be so amended as to read as follows: "Section 33. That the city council shall have power to levy and collect taxes upon all real and personal property within the limits of the city, not to exceed one and one-half per cent. upon the assessed value thereof in each year, exclusive of the costs of collecting the same, and exclusive of taxes raised for schools and school houses, to provide a general revenue for the following purposes: 1. Lighting the streets of the city. 2. Defraying the expenses of the city watch and police. 3. Making and repairing streets and bridges, and ornamenting the public grounds belonging to the city, whether situated within or without the city. 4. Providing necessary apparatus and means for the prevention and extinguishment of fires. 5. Defraying the contingent expenses of the city. 6. Defraying the expenses of public improvements proper to be borne by the city. The city council shall have power, in

each year, to impose upon male persons between the ages of twenty-one and sixty years, in the city, a capitation tax of not exceeding one dollar, which shall be applied to the maintenance of the common schools."

SEC. 6. That section 73 of said act shall be so amended as to read as follows: "Sec. 73. No tavern license, authorizing any person to sell strong and spirituous liquors, shall be granted, until the applicant shall have filed his affidavit and petition, with the bond required by law, with the clerk of the city, and shall have paid to the treasurer of the city, for the use thereof, such sum as the city council shall direct, not being less than fifty nor more than five hundred dollars; and no wholesale or retail dealer's license, authorizing any person to sell strong and spirituous liquors and wines in any quantities whatever, shall be granted, until the applicant shall have filed the petition and bond required by law with the clerk of the city, and paid to the treasurer such sum as the city council shall direct, not less than one hundred nor more than five hundred dollars."

SEC. 7. That section 84 of said act shall be so amended as to read as follows: "Section 84. The clerk shall lay such certificate before the city council at its next meeting, and the same shall be recorded at length in the records of its proceedings. If it shall appear that a majority of the votes cast at such special election were 'For special tax,' the city council shall cause the amount specified in the report as required to be raised by the tax, for the purpose therein set forth, in addition to the moneys otherwise authorized to be raised by the provisions of this act. It may direct the issuing of bonds for the sum allowed to be raised as aforesaid, bearing interest at a rate not exceeding ten per cent. per annum, said bonds to be paid by such tax; the same to be raised in addition to and with the tax for ordinary expenses, levied not less than five years nor more than ten years from the date of such bonds. Such principal sum shall be raised in three, four or five equal annual installments, as the said council shall direct, and such installments shall be added to the sums otherwise to be raised, and imposed and collected therewith, and by the same power and authority; nevertheless, the said city council

shall direct a sum to be raised by such tax, each year, in addition to and with the tax for ordinary purposes, equal to and sufficient to pay the interest accruing on such bonds from year to year. It shall be the duty of the treasurer of said city to apply all moneys so raised by special tax to the objects respectively for which the same shall have been raised."

SEC. 8. That section 75 of this act shall be so amended as to read as follows: "Section 75. All moneys received for license, under the provisions of sections 72, 73 and 74 of this act, shall go into and form a part of the general fund and revenue of said city."

SEC. 9. That section 95 of said act be amended, so as to read as follows: "Section 95. It shall be the duty of the city council to provide for the support of common schools in the city, and for that purpose shall have power as follows: 1. To borrow, on the credit of the city, any sum of money, which shall not create at any one time an aggregate indebtedness of more than ten thousand dollars, exclusive of interest thereon, for the purpose of procuring sites, and erecting thereon and furnishing suitable school houses, and for such purposes may issue the bonds of the city, in sums of not less than one hundred dollars, payable in not less than five years from the date thereof, with interest at not more than ten per cent. per annum. 2. To impose, in addition to all other taxes provided for in this act, annually, a sum sufficient to pay the interest upon such bonds, as it shall fall due, and to liquidate the bonds at their maturity. The time and manner of collecting such tax, and its appropriation to the objects for which it is raised, shall be governed in all respects by the provisions of title four of this act, as amended. 3. To levy an annual tax, in addition to all other taxes provided for in the said act and in the acts amendatory thereto, of not exceeding ten mills on the dollar of the assessed valuation of property within the city, to defray the current expenses of said common schools."

SEC. 10. That section 96 of said act shall be amended, so as to read as follows: "Section 96. The net proceeds of all fines arising from violations of the ordinances of the city, [and] all moneys received for licenses of all and every description, within the city, are hereby appropriated; and declared a

part of the general fund and revenue of said city, and shall be appropriated and applied by the treasurer to meet the current expenses of said city; and all moneys arising from any poll or capitation tax which may be levied and collected within this city, together with all moneys that are, or may hereafter be directed by law, to be raised in said city for school purposes, by the tribunal transacting county business for Douglas county, or otherwise, are hereby appropriated, and declared a part of the contingent school fund of said city, and shall be collected and applied by the treasurer to meet the current expenses of common schools in said city, and for no other purpose."

SEC. 11. That sections sixteen, eighteen, twenty-two, twenty-nine, seventy-three, eighty-four, eighty-five, eighty-nine, ninety, ninety-five and ninety-six of said act, entitled "An act to amend and consolidate the several acts relating to the city of Lawrence," approved Feb. 27th, 1860, and section two of an act entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4th, 1861," and "An act to amend section sixteen of 'An act to amend and consolidate the several acts relating to the city of Lawrence,'" passed at at the session of the Legislature of 1864, be and the same are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER XLIX.

MILITIA.

AN ACT for the enrollment, organization, discipline and pay of the militia.

Be it enacted by the Legislature of the State of Kansas:

Enrollment.

SECTION 1. That all persons subject to military duty under the constitution of this State, and such other male persons as shall voluntarily enroll themselves, shall be enrolled in the militia, and shall perform military duty as in this act provided.

Exemption.

SEC. 2. That the following persons are exempted from enrollment in the militia of the State: First, all persons employed in or about the State Prison or houses of correction. Second, all persons exempted by the laws of the United States. Third, all persons who shall, on or before the first day of May of each year, pay to the county treasurer of the county in which they may reside, the sum of thirty dollars, for the ben efit of schools, and who shall make and file with the county clerk of their county an affidavit that they have conscientious scruples against bearing arms.

SEC. 3. That the Governor of the State shall be Commander-in-chief of the militia, and shall have power, by and with the consent of the Senate, to appoint one Major General [and] four brigadier generals, [also] one quartermaster general, one adjutant general, one paymaster general, each with the rank of colonel, and one surgeon general, with the rank of colonel, who shall be, ex-officio, chairman of any board of surgeons convened for the purpose of examining those who may desire position in the medical staff of the State; three aides-de-camp, with the rank of lieutenant colonel, and one assistant adjutant, with the rank of major. The major general shall appoint one assistant adjutant general, one engineer-in-chief, one judge advocate general, and three aides-de-camp, with the rank of major, to be commissioned by the Governor. Each brigadier general shall appoint one assistant adjutant general, one brigade quartermaster, each with the rank of

Appointment.

captain, and two aides-de-camp, with the rank of first lieutenant, all to be commissioned by the Governor. The brigade quartermaster shall also be commissary of subsistence. The Governor shall have power to fill any vacancies which may occur, until the meeting of the Senate.

SEC. 4. That the State shall constitute one division, and shall be divided by the major general commanding into four brigade districts, with power to alter and change the same at pleasure. Division.

SEC. 5. Each company shall have not less than sixty nor more than one hundred men, including non-commissioned officers and musicians, and shall have five sergeants, eight corporals and two musicians, appointed by the captain. Twenty men will entitle a platoon to a second lieutenant; thirty men to a first lieutenant; fifty men to one first and one second lieutenant; sixty men to one captain, one first and one second lieutenant. A battalion of four companies shall have one major; of six companies, a lieutenant colonel; of eight companies, one major and one lieutenant colonel; of ten companies, one colonel, one lieutenant colonel and one major to the organization of an infantry regiment. Cavalry same as infantry, except that two majors to ten companies, and to twelve companies three majors. The company or line officers shall be elected by their respective companies. The field officers shall be elected by the line officers. Each regiment shall have one adjutant, one quartermaster, one surgeon [and] one assistant surgeon, to be nominated by the colonel and approved by the Governor; and all officers shall be commissioned by the Governor. Officers.

SEC. 6. The quartermaster general shall also be ordnance officer and commissary of subsistence, and shall have the care and superintendence of all the State arms, accoutrements, camp equipage and military stores belonging to the State, and shall have power to rent a suitable building for a State armory and put the same in a suitable condition for such use, and to employ persons to clean and keep in good condition all arms and ammunition belonging to the State, and provide for the transporting of the same to any place they may be ordered by the commander of the division. All requisitions for arms, Duty of quartermaster general.

munitions and military stores shall be made on the quartermaster general by the commanding officer of regiments or of battalions, and shall be countersigned by the brigadier general of the district, and by the major general of the division. The commanding officers shall be ordnance officers for their respective regiments and battalions.

Duty of paymaster general.

SEC. 7. The paymaster general, who shall also be inspector general, and the quartermaster general, provided for in this act, shall, before entering on the duties of their offices, give bonds each in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of their offices, with good and sufficient security, to be approved by the Governor, and filed with the Secretary of State.

Bonds.

Duty of county assessors.

SEC. 8. That the county assessors shall annually, without additional compensation, when making their assessments of personal property in their respective counties, include in their assessment rolls the names of all persons in their respective counties liable to be enrolled asherein before provided; and within thirty days after the time of completing said assessment and enrollment, he shall return the same to the county clerk. All keepers of public houses, boarding houses, heads of families, and business houses, shall, upon the application of the assessor, furnish him with the number and names of the persons boarding or lodging with them, or in their employ; and if any person, when applied to as aforesaid, shall refuse to give such information, or willfully give false information, he or they shall, upon conviction before any justice of the peace, in the name of the State, forfeit and pay for every such offense the sum of ten dollars. It shall be the duty of the assessor to report every such offense to the nearest justice of the peace, and the district or county attorney to prosecute the same. It shall be the duty of the county clerks, on or before the 10th of August of each year, to return to the Adjutant General of the State an accurate copy of such enrollment. The Adjutant General shall carefully compare such enrollment with the roster of the companies and regiments as filed in his office, and report the names of all persons appearing on the enrollment, which do not appear on any roster, to the captain of some company in the county, who shall deal with

such persons according to law. Any officer who shall neglect or refuse to perform any of the duties herein prescribed, shall, on conviction thereof, before any court of competent jurisdiction, in the name of the State of Kansas, forfeit the sum of one hundred dollars.

Organization.

SEC. 9. That the present organization of the militia of the State into companies and regiments, together with the officers of the same, so far as is not inconsistent with this act, shall not be affected by this act; companies and fractions of companies shall be formed into or attached to battalions or regiments formed by order of the brigadier general commanding district. The captains of companies now existing in the various wards and townships shall, immediately after the publication of this act, notify every person liable to be enrolled as hereinbefore provided, in writing, who is not a member of any organized company, to at once become one; and, on his neglect to do so for ten days after such notice, and for every subsequent neglect, he shall forfeit and pay the sum of five dollars and costs, on conviction thereof before any justice of the peace, and stand committed to the county jail for a period not to exceed thirty days.

Regulations.

SEC. 10. That, for the purpose of drill and discipline, the militia of the State shall not be required to parade as companies oftener than once a month, or as regiments oftener than four times each year, at such times and places as may be directed by the brigadier general commanding district, and as brigade not more than once in each year, on the order of the major general commanding division, except in case of actual or threatened invasion or insurrection. Public notice of at least ten days, either by written or published notices, or by an advertisement in a newspaper, shall be given previous to each muster, except regular monthly muster of companies; and it is hereby made the duty of the captain of each company to report to his colonel the name of every member of his company absent from the muster, who does not, on or before the day of the next general muster, present to said captain a reasonable excuse for his neglect; and he shall forfeit and pay the sum of five dollars and costs, on conviction thereof before any justice of the peace, and stand

committed to the county jail for a period not to exceed thirty days.

Power to call out in case of insurrection, invasion, etc.

SEC. 11. That in case of insurrection, invasion, or threatened invasion, the Commander-in-chief may order into active service any company, regiment or brigade, or any portion of either he may designate, in such forms of organization as he may direct; and, in cases of great emergencies, the major general, or brigadier general commanding district, may order their commands into actual service to perform duty [at] any place within the State; and any officer or enrolled man refusing to turn out when so ordered, shall be deemed guilty of an offense, and be punished by fine not more than one hundred dollars, and imprisonment in the county jail not more than three months. No portion of said forces shall be required to perform such service for more than ninety days at one time. Officers, non-commissioned officers and privates, when ordered into active service, shall receive, while in active service, the same compensation as is now paid by the United States for similar services to officers, non-commissioned officers and privates of the army, of equal grade, except there shall be no allowance for more than one ration per day for each officer, and no allowance for servants, horses, forage, or commutation thereof, while in active service. The militia force shall be governed by the army regulations and military laws of the United States, except as provided for by this act: *Provided*, that no military officer of the United States service shall assume command of any portion of the State militia force in actual service, except by order of the commander-in-chief, the major general, or a brigadier general commanding the militia forces in the field.

Compensation.

SEC. 12. The major general may, upon the presentation of a petition from a majority of the non-commissioned officers and privates of any company, order a new election of company officers, and, upon the presentation of a petition from a majority of the company officers comprised in any regiment, he shall order a new election for regimental officers, and may for good cause reduce captains and lieutenants to the ranks, and order a new election. All misconduct or breaches of discipline on the part of either privates or officers, except

Election.

those heretofore mentioned, shall be disposed of as prescribed by the army regulations and laws of the United States.

SEC. 13. That any person who shall be convicted of stealing, disposing of, or unlawfully detaining, or needlessly injuring, any State arms, munitions, or military stores, shall forfeit and pay double the value of such article, suit to be brought in the name of the State, before a justice of the peace; or any person disturbing or interfering with any muster or encampment, shall, for every such offense, forfeit and pay the sum of ten dollars, on conviction thereof before any justice of the peace, or stand committed to the county jail not exceeding thirty days. Penalty.

SEC. 14. That all fines and penalties provided for in this act, except the exemption fee provided for in section two (2) shall be promptly paid over by the county treasurer to the State Treasurer, and shall be used only for school purposes. Fines paid to the State Treasurer.

SEC. 15. That all expenses provided for by this act shall be sworn to by the officer making the same, and approved by the major general or brigadier general, certifying that the same were incurred by his order, and were necessary for the service, and the amount thereof reasonable and just; and the Auditor of State shall audit the same, and as soon as any moneys are appropriated for military purposes, the Auditor shall draw his warrant on the Treasurer, who shall pay the same. Expenses.

SEC. 16. Persons wishing exemption on account of disability, must procure a certificate from the regimental surgeon, which must be approved by the brigadier general commanding district before said person can be exempt. Exemption.

SEC. 17. That, where any portion of the militia are in active service, in making reports, and in all their business, they will be governed by the forms and regulations of the United States army; and in organizing and disciplining the militia, or when in actual service, all questions arising, not provided for by this act, shall be governed and decided by the rules and regulations adopted by the army of the United States. Active service.

SEC. 18. That the adjutant general shall perform all such services in connection with the volunteers now in the service of the United States, from this State, as the commander-in- Duty of adjutant general.

chief may direct, and such other service in the militia department as may be directed by the commander-in-chief.

Salaries.

SEC. 19. That the quartermaster general, paymaster general and adjutant general shall receive for their services, annually, such sums as the Legislature may direct.

Term of office.

SEC. 20. That the term of office of all officers appointed under this act, shall be during the administration under which they were appointed, and until their successors are duly appointed, unless sooner removed, as herein provided.

When to report.

SEC. 21. That all officers appointed under this act shall report to the commander-in-chief each year, at least ten days before the meeting of the Legislature; and all officers who have charge of, or are accountable for, ordnance or quartermaster's stores, or commissary goods, belonging to the State, shall report to the commander-in-chief their amount, description and condition, semi-annually, on the first days of June and December of each year.

SEC. 22. Nothing in this act shall be construed to prevent commanding officers of divisions, districts, regiments or companies from making arrests for disobedience of orders, or neglect of military duty, or from promptly arresting any person disturbing or interfering with any muster or encampment.

Arrests.

Organization.

SEC. 23. That, when a petition shall be presented to the Governor, signed by twenty-five or more names, asking for the organization of a new company, such organization shall be granted: *Provided*, it does not interfere with the organization of any existing company; and such organization shall be complete when the officers to which they are entitled shall be appointed and commissioned, and the roster filed with the adjutant general: *Provided*, that each and every member of any military company hereafter to be organized under the laws of this State, before the officers are commissioned, and before said company shall be considered competent to render military service, to receive arms, to participate in regimental or brigade elections, shall take and subscribe, before some commissioned military officer, and for that purpose all commissioned officers are hereby authorized to administer the oath, that "I will support, protect and defend the constitution and

government of the United States, and the constitution of the State of Kansas, against all enemies, whether domestic or foreign; and I will bear true faith and loyalty to the same; and, further, that I do this with a full determination and pledge, without any reservation or evasion, to perform, in good faith, all the duties which may legally be required of me. So help me, God." And that a copy of such oath or affirmation, duly subscribed, shall be forwarded to the Governor of the State; and no commission shall be given to any officer until the provisions of this act shall have been fully complied with.

SEC. 24. The commander-in-chief and major-general and brigadiers shall each have full authority to convene courts martial, under the rules governing the United States army, for the trial and punishment of any offense, hereinbefore provided for, at such times and places as in their judgment may be for the best interest of the service. Courts martial.

SEC. 25. It shall be the duty of the inspector general to visit and inspect all arsenals, arms, troops and military stores whatsoever, belonging to the State, on the order of the commander-in-chief, and report to him in accordance with the regulations of the army of the United States. Duty of inspecior general.

SEC. 26. That an act entitled "An act providing for the enrollment, organization, pay and discipline of the militia," approved February 24th, 1864, be and the same is hereby repealed. Repeal.

SEC. 27. This act be printed in pamphlet form, and the Secretary of State shall distribute to the commissioned officers of the militia of the State one copy thereof to each, at as early a day as practicable, after its approval by the Governor.

SEC. 28. That all military commissions of both the militia and volunteer service, the issue of which is authorized by the constitution and laws of this State, shall be signed by the Governor, sealed with the great seal of the State, and attested and recorded by the adjutant general of the State. Commissions.

SEC. 29. This act to take effect and be in force from and after its publication once in the Daily State Record.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER L.

MILITIA.

AN ACT to provide for the expenses of the militia, and for the payment of claims and damages arising out of the Price raid in 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Secretary of State, Adjutant General and Attorney General of the State are hereby declared a board of commissioners, whose duty it shall be to examine, audit and allow all just claims, properly authenticated, for services by [the] militia, supplies and material and transportation furnished to or taken by said militia or the troops of the United States, damages to property done by the same, and demands of any character growing out of any transaction for the use or benefit of said militia or the troops of the United States, during the invasion or attempted invasion of the State by the rebel army under Price, in the months of October and November, 1864, and the defense of the State against Indians during said year.

Duty of board of commissioners.

SEC. 2. Each and every claim shall be presented to said board before the first of December next, under such regulations as may be prescribed by [said] board: *Provided*, that.

Claims presented

in addition to affidavit and corroborative proof of claim, the account shall be made on the same form of duplicate voucher as is used by the quartermaster and commissary departments of the United States.

Claims to be audited.

SEC. 3. The said board shall audit all claims for horses killed in battle, captured by the enemy, or unavoidably lost on account of the said campaign against Price, and in the months and year before named, including, also, all necessary and just expenses of militia called into service in the western part of the State, in the expeditions against the Indians, under orders of General Curtis, in the months of July and August, including, also, claims for transportation of troops or supplies of any and every kind incident to the movements of the State forces aforesaid, including, also, damages to fences and real estate, destruction or consumption of crops and personal property; and that every such claim or demand shall be that of citizens or actual residents of the State of Kansas at [the] time of said use, damage or destruction.

Classes of claims.

SEC. 4. There shall be four classes of claims: 1st, for services rendered; 2d, for materials, supplies and transportation furnished; 3d, for damages sustained; 4th, for miscellaneous claims. The classes of claims shall be made out separate from each other, and be thus considered and audited by the commissioners.

Nature of claim.

SEC. 5. All accounts for services shall set forth what services, under whose immediate command, and when they served. For material furnished, they shall state what was furnished, the quantity, and to whom furnished, and the market value of the same when furnished; and, for damages sustained, how the damages accrued, in what damaged, and the manner in which they estimate the damage; for miscellaneous claims, the nature of such claims.

SEC. 6. After said commissioners have audited and allowed to the claimant so much as in their judgment they shall deem right, they shall issue a certificate to such claimant, in the language as follows, to wit—except in cases where persons have mustered on regular mustered pay rolls for services rendered as militiamen, in which case those pay rolls shall be considered as suitable vouchers, after having been properly certified

to by the commanding officer of the regiment, battalion or company: "The commissioners appointed under an act (describe it), do find that there is due to —— ——, for services rendered, $—; for materials furnished, $—, consisting of $— by damages sustained by reason of (here state nature); $—, for miscellaneous claims (state nature); $—." A separate certificate shall be given for each class of claims allowed.

Form of certificate.

Duty of Secretary of State.

SEC. 7. The Secretary of State shall furnish said commissioners with all books, papers and such blanks as shall be needed by said commissioners for the purposes mentioned in this act.

Duty of commissioners.

SEC. 8. The commissioners shall keep a careful record of all their acts, all testimony filed before them, their awards, [and] the amounts allowed, and shall complete their labors by the first of January next, and furnish a complete account of the certificates issued by them, and to whom issued, and for what amount; and all such records, testimony and accounts of the commissioners shall be filed with the Auditor of State, and by him carefully preserved.

SEC. 9. Said commissioners shall appoint one clerk or more, with such allowance as they may deem necessary; and said clerks are hereby invested with power to administer oaths, with the view of facilitating the business before the board.

Clerks have power to administer oaths.

Duty of officers.

SEC. 10. It shall be the duty of the officers of the several companies of militia to make out in duplicate, and forward to the Adjutant General, if not already forwarded, the muster and pay rolls of their respective organizations, verified by affidavit as to the actual term of service thereof in said Price raid and Indian expeditions; and the said commission shall allow to the officers, or persons acting as such, the same pay and allowance as are paid by the United States to commissioned officers of volunteers of similar rank, and to the privates at the rate of sixteen dollars per month, and forty cents per day additional for use and risk of horse, where private horses were furnished, and three dollars and fifty cents per month as commutation for clothing.

Payment.

Duty of adjutant general.

SEC. 11. The Adjutant General of State shall report to the Governor the amounts thus found due, in the same manner

as the commissioners are required to certify to each person, to wit: The amount found due for services; the amount found due for material furnished; the amount found due for damages sustained, and the amount found due for miscellaneous claims; on receipt of which, the Governor shall make a detailed statement of the whole matter, together with such other matter as he may deem wise, and transmit the same, together with a certified copy of this act, through our senators and member of Congress, asking an appropriation for the payment of said claims.

SEC. 12. That this act shall take effect and be in force from and after its publication; and it shall be the duty of the Secretary of State, immediately upon the approval of this act by the Governor, to have a certified copy published once in the State Record, which shall constitute such publication.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 13, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LI.

PAYMENT OF TEACHERS AND PROFESSORS.

AN ACT for the payment of the teachers and professors of the State Normal School [and] the State Agricultural College.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That two thousand dollars is hereby appropriated to the State Normal School, to be used by the directors exclusively for the salaries of teachers, for the year eighteen hundred and sixty-five; also, three thousand and two hundred

dollars to the State Agricultural College, to be used by the regents exclusively for the payment of teachers and professors for the year eighteen hundred and sixty-five: *Provided*, that a part of such appropriation shall be expended in the publication of two hundred catalogues of all the scholars taught in such school, which catalogue shall give the age of each scholar, and the grade of studies, and their place of residence; such catalogue shall be laid upon the tables of the members of the Legislature at the opening of the session.

SEC. 2. That the professors of the Agricultural College of the State of Kansas shall, annually, during the months of January and February, deliver a course of lectures on agriculture and agricultural chemistry, and said lectures shall be free to all who may desire to attend; and there shall be at least five lectures in each week of said months.

SEC. 3. The Auditor of State is hereby authorized to issue warrants on the State Treasurer in favor of the treasurer of the board of directors of the State Normal School; also, in favor of the treasurer of the board of regents of the State Agricultural College, in accordance with the provisions of this act; said orders to be drawn quarterly, on presentation of the certified accounts of the several teachers and professors for services rendered, and shall be marked severally with the names of the several institutions in whose favor they are drawn.

SEC. 4. This act to take effect and be in force from and after its publication once in the Kansas Educational Journal.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Kansas Educational Journal for March 12, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LII.

PROCEDURE.

AN ACT to amend an act to establish a code of criminal procedure.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 220 of the said act shall be amended so as to read: "Sec. 220. After a verdict of guilty by a jury against the defendant, or a plea of guilty by the defendant, in open court, or a finding of guilty by the court, if judgment be not arrested, or a new trial granted, the court shall pronounce the sentence against the defendant, assessing against the defendant the penalty of the laws provided for the offense mentioned in the indictment, and order the sentence to be entered of record."

SEC. 2. That in any criminal case, when the court rendering judgment shall be satisfied that the penalty fixed by law is too severe for the particular offense of which the defendant was convicted, the court may, in its discretion, reduce the penalty attached to the offense of which the defendant was convicted, by reducing the fine or the term of imprisonment: *Provided*, that in all such cases, the judge of the court so reducing the fine or time of imprisonment, shall set out his reasons therefor in the records of the proceedings therein.

SEC. 3. Original sections 220, 221, 222, 223, 224 and 228 of an act entitled "An act to establish a code of criminal procedure," be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LIII.

PROCEDURE.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish a code of civil procedure.'"

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four of an act entitled "An act to amend an act entitled 'An act to establish a code of civil procedure,'" is hereby amended so as to read as follows: "Section 4. The supreme court shall have authority to reverse, vacate or modify a judgment of the district court, for errors appearing in the records, and in the review of such judgments, to review any intermediate order involving the merits of the action, or any portion thereof. The supreme court shall also have authority to reverse or modify any of the following orders of the pistrict court, or a judge thereof: First, a final order, as defined in section 524; second, an order that grants or refuses continuance, discharges or modifies a provisional remedy, or grants, refuses, dissolves or discharges an injunction or attachment, that grants or refuses a new trial, or that sustains or overrules a demurrer; third, an order that involves the merits of an action, or some part thereof, and any motion made to vacate, modify, or in any manner affect the reports of a referee or master commissioner, shall be deemed a motion for a new trial. Bills of exceptions may be taken and signed in vacation, in cases where the orders of the judge complained of are made in vacation, which shall be filed with the clerk, and, when so filed, shall become a part of the records. All such bills of exception shall be signed and filed within ten days after the making of the order, and no petition of error shall be dismissed by the supreme court because the same was not filed within the time provided for by the act to which this is amendatory."

SEC. 2. No proceedings to reverse, vacate or modify orders made in vacation, shall operate to stay the effect of such order until the party taking such proceeding shall execute to the adverse party a bond, with one or more sufficient sureties,

to be approved by the clerk, conditioned that he will, if judgment of the court below be approved in whole or in part, he will pay the opposite party all costs in the court above, and all damages which he may sustain by reason of the taking of such appeal.

SEC. 3. This act shall take effect and be in force from and after its publication once in the Daily State Record, published at Topeka.

Approved February 3, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Daily State Record for Feb. 6, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LIV.

PROCEDURE.

AN ACT to amend an act entitled "An act to establish a code of civil procedure."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 147 of an act entitled "An act to establish a code of civil procedure," approved February 11th, 1859, be amended so as to read: "Section 147. The court may, before or after judgment, in furtherance of justice, and on such terms as may be proper, amend any pleading process or proceeding, by adding or striking out the name of any party, or correcting a mistake in the name of a party, or mistake in any other respect, or by inserting other allegations material to the case, or when the amendment does not change substantially the claim or defense by confirming the pleading or proceeding to the facts proved; and when any proceeding

taken by a party fails to conform in any respect to the provisions of this code, the court may permit the same to be made conformable thereto by amendment."

SEC. 2. Section 529 of the act aforesaid shall be amended so as to read as follows: "Sec. 529. The plaintiff in error shall file with his petition a transcript of the proceedings containing the final judgment or order sought to be reversed, vacated or modified, or so much thereof as shall be necessary to present a case made, and the supreme court may prescribe by rule the manner of making a case, and provide for making the same a part of the record in cases in the inferior courts."

SEC. 3. Sections 147 and 529 of the act to which this is amendatory be and the same are hereby repealed.

SEC. 4. This act shall be published once in the Topeka State Record, and shall be in force from and after such publication.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LV.

PROCEDURE.

AN ACT to amend an act entitled "An act to establish a code of civil procedure."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of an act entitled "An act to amend an act entitled 'An act to establish a code of civil procedure,' approved February 25th, A. D. 1860," be amended,

so as to read as follows: "Section 1. Every other action must be brought in the county in which the defendants, or some one of them, resides or may be summoned."

SEC. 2. Section 1 of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall be published once in the Topeka State Record, and shall be in force from and after such publication.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LVI.

RELIEF OF MOULTON G. FARNHAM.

AN ACT supplemental to an act entitled "An act for the relief of Moulton G. Farnham."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Auditor and Treasurer of State be hereby authorized to receive in payment for bonds of the State of Kansas, issued under the act of February 26, 1863, entitled "An act to fund the Territorial debt," a certain warrant, issued to Moulton G. Farnham, for five hundred, sixty-one and 33-100ths dollars, with unpaid interest thereon accruing, in accordance with an act approved Feb. 26th, 1864, entitled "An act for the relief of Moulton G. Farnham."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LVII.

REVENUE.

AN ACT to provide revenue for the year 1865.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, for the purpose of raising revenue to defray the current expenses of the State government for the year 1865, the proper officers are hereby directed to levy and collect a tax of five mills on the dollar upon all property in this State subject to taxation.

SEC. 2. That the revenue raised under the provisions of this act shall be appropriated exclusively for appropriations made subsequent to the first day of January, 1865, and to create a sinking fund for the redemption of, and to pay the interest on, bonds of the State of Kansas, which have been or may be issued under authority of law.

SEC. 3. That, of the tax so levied, one mill upon the dollar upon all the taxable property of the State shall be payable in lawful money of the United States, or matured coupons of the bonds of the State of Kansas, which shall be reserved exclusively for the payment of the interest upon such bonds the issue of which has been authorized by law, and for the redemption of such bonds.

SEC. 4. That this act shall be in force and take effect from and after its publication in the statute book.

Approved February 16, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LVIII.

TRANSCRIBING OF RECORDS.

AN ACT to provide for transcribing certain records.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the register of deeds of Chase county be authorized to transcribe from the records of Lyon county all deeds, bonds, mortgages and other instruments affecting the real estate detached from Breckinridge (now Lyon) county, and attached to Chase county, by act of Territorial Legislature changing eastern line of Chase county, passed February 27th, 1863.

SEC. 2. That the register aforesaid shall receive for the services authorized in section one the sum of ten cents per folio, to be paid out of the treasury of Chase county.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LIX.

REAL ESTATE OF PERSONS DYING WITHOUT HEIRS OR WILL.

AN ACT relating to the real estate of persons dying without heirs or will.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, in all cases where persons die without heirs and intestate, it shall be lawful for the superintendent of common schools of the county where any land lies belonging to the estate of any person dying without heir or will, after a lapse of three years from the date of letters of admin-

Provisions for persons dying without will or heirs.

istration upon such estate, to file a petition in the probate court of the county where any such land is situated, setting forth in said petition—first, that such deceased person died without heirs or intestate; second, that three years has elapsed since the date of the letters of administration; third, a description of the real estate; fourth, that no debts remain unpaid of real estate, not barred by the statute of limitation. Such petition shall be verified by the affidavit of the county superintendent of common schools, or by some person who has knowledge of the fact.

Duty of probate judge.

SEC. 2. That it shall be the duty of the probate judge, on the filing of the petition mentioned in the first section of this act, and being satisfied that the facts stated in said petition are true, he shall issue an order to the administrator to sell the real estate described in such petition, in the same manner as real estate is sold by administrators for the payment of debts due from deceased persons, and the same proceedings shall be had as is now provided by law in confirming the sale and the execution of the deed by the administrator, as is provided by law for the sale of real estate, for the payment of debts of any deceased person.

Duty of administrator.

SEC. 3. That it shall be the duty of the administrator, after the payment of the costs of filing said petition and making said sale, and six per cent. commission to such administrator, to pay to the county treasurer of the county where the land is situate the remainder of the purchase money, and shall take duplicate receipts therefor, and it shall be his duty to file such duplicate with the probate judge of the proper county.

SEC. 4. This act shall take effect and be in force from and after its publication.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LX.

STATE ROAD.

AN ACT to establish a road.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That a State road shall be located from a point near the eastern terminus of Atchison street, in the city of Atchison, thence along the Missouri river, as near the bluff as practicable, crossing Independence creek near its mouth, and connecting with the road now established from the city of Atchison to the town of Doniphan, in Doniphan county. Location of State road.

SEC. 2. That P. H. Woodward, Clem. Rohr and W. L. Irvine, or a majority of them, shall act as a board of commissioners to locate the said road, and they shall meet as soon as practicable after the passage of this act, and proceed to locate the said road; and said board of commissioners shall be governed in all respects by the provisions of an act entitled "An act to establish certain State roads," approved February 29th, 1864, except as herein otherwise provided. Names of commissioners.

SEC. 3. That, as soon as the said road is located, the said commissioners shall file their report, with a plat of the same, in the office of the county clerk of the county of Atchison; and said road shall be established as a State road from and after the filing of said report; and the proper officers are hereby directed to cause said road to be opened forthwith. The said county clerk is hereby directed to record the proceedings of said road commissioners, and a copy of said record shall be evidence in all places of the location and establishment of said road. Duty of said commissioners.

SEC. 4. That this act be in force from and after its publication in the Atchison Free Press.

Approved January 25, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Atchison Free Press for Feb. 4, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXI.

STATE ROAD.

AN ACT to change a certain State road.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That so much of the State road running from Emporia, in Lyon county, to Burlington, in Coffey county, as lays between Burlington and Hartford, in Lyon county, be changed, so as to run as follows, viz.: Starting from the north end of Third street, in the town of Burlington, and running to Hefron's crossing on Otter creek; thence to Hartford, by or near the road now traveled.

SEC. 2. That William J. Brewer, Thomas Arnold and F. A. Atherly shall act as a board of commissioners to locate said road, and they shall meet, on or before the first Monday of August next, at Burlington, and proceed to locate the same. And the said board of commissioners shall be governed in all other respects by the provisions of an act entitled "An act to establish certain State roads," approved February 29th, 1864.

SEC. 3. This act to take effect and be in force from and after its publication once in the (Burlington) Kansas Patriot.

Approved February 8, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Kansas Patriot for Feb. 18th, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXII.

ROADS.

AN ACT supplemental to an act in relation to roads, approved March 1st, 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That each incorporated city, town or village, of less than fifteen thousand inhabitants, in this State, shall constitute a separate road district, and the corporate authorities of such corporation shall have power to appoint a road overseer for any such corporation, fix his term of office and compensation, and remove him from office for any misconduct, and shall require him to give bond with good security to the proper corporation for the faithful discharge of his duties and for the safe keeping and proper use of any money that may come into his hands, and to disburse the same in the manner directed by the corporation, and such overseers shall do and perform all the duties in the same manner and under the same instructions and limitations as are provided for the government of overseers in the act to which this is supplemental, except as herein otherwise provided; and the said corporate authorities of any such city, town or village are authorized and empowered to use the two days' work provided for by the act to which this is supplemental, or the money paid by persons in discharge of the same in paving, macadamizing or grading the streets or alleys in such city, town or village, in any manner provided by ordinance or resolution of any such corporation: *Provided*, such work or money shall be applied first to the most public streets, not macadamized or graded; and *Provided further*, that the work required to be done, as provided for in the act to which this is supplemental, shall be done between the first day of April and the first day of November of each year; and any such city, town or village shall have the power to pass any by-law or ordinance necessary to carry out fully the provisions of this act.

SEC. 2. This act shall be published once in the Topeka State Record, and shall be in force from and after its publication.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 14, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXIII.

STATE ROAD.

AN ACT locating a State road from Lawrence to Hiawatha.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the road from Lawrence to Hiawatha, as shown by the certified plat and tables of courses and distances, on file in the office of the Secretary of State, is hereby declared a State road.

SEC. 2. The amount of expenses incurred in the survey and location of said road, shall be adjusted in the manner as provided in section 6 of an act entitled "An act to establish certain State roads," approved June 4th, 1861.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXIV.

STATE ROADS.

AN ACT to amend an act entitled "An act to establish certain State roads."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 12 of an act entitled "An act to establish certain State roads," approved February 29th, 1864, be amended [so as] to read as follows: "It shall be the duty of the several boards of commissioners, in creating the various roads provided for in this act, to locate the same upon the best possible ground consistent with straight and direct lines, as near as possible avoiding, in all cases, making two or more angles where good ground can be had upon a direct course with but one angle; and whenever a county, Territorial or State road has been provisionally laid out in the direction of the proposed State road, then; provided such road be practicable, the commissioners shall accept such county, Territorial or State road: *Provided*, however, that the provisions of this amendment shall apply only to a State road, "No. 35," from Leavenworth to Topeka, as is provided for in this act.

SEC. 2. This act shall take effect and be in force from and after its publication once in the Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXV.

STATE ROADS.

AN ACT to establish certain State roads.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That State roads, as described in the following sections, shall be located according to the provisions of an act entitled "An act to establish certain State roads," approved Feb. 29th, 1864, and the persons whose names are hereinafter given in connection with said roads, shall act respectively as commissioners for that purpose, and shall meet at the place designated for the commencement of said roads, on or before the first day of August, 1865. The roads and the commissioners shalll be as follows, to wit:

First—one from the northwest corner of section one, township six, range nineteen; thence south on section line, as near as practicable, to the southern line of said township; thence south and southeast, via Locust Grove post office at Cline's, until it intersects the State road, located from Leavenworth via Monrovia; commissioners, David Earhart, George Hall and Pardee Butler.

Second—one from Pardee, on the north side of the northwest quarter of section thirty-four, township six, range nineteen, in Atchison county, and running west through section thirty-six, to the town of Holton in Jackson county; commissioners, Thomas Waters, O. Sawyer and J. Wheeler.

Third—one from Lawrence to Neosho Rapids, in Lyon county; commissioners, George R. Harper, J. S. Pigman and Thaddeus Prentice.

Fourth—one from Junction City, via Lyons creek, to Marion Centre; commissioners, H. R. Westhrop, A. D. Blanchett and John G. Recken.

Fifth—one from Atchison City, via Robinson and Hiawatha, to Padonia in Brown county; thence to the Nebraska line, in [the] direction of Fall City, Nebraska; commissioners, Robt. White, E. R. Conelison and George Rush.

Sixth—one from Emporia, Lyon county, via Madison in Greenwood [county], to Eureka, Greenwood county; commissioners, G. R. Soule, James Kenner and Edwin Tucker.

Seventh—one from Marysville, Marshall county, via Washington, Washington county; thence a westerly course up Mill creek, to some practicable point on Republican river; commissioners, Andrew Lane, B. B. Cook and J. G. Tuttle.

Eighth—one from Olathe, Johnson county, following the county road to Monticello; thence on said road to the Kansas river, and crossing said river at or near the center of section thirty-two in township eleven, range twenty-three; thence following as near as practicable what is known as Waitie's survey, to the city of Leavenworth; commissioners, C. H. Stratton, J. C. Stack [and] C. S. Glick.

Ninth—one from Lawrence to Fort Scott, via new bridge on the Wakarusa; thence to New Haven, and crossing the Santa Fe road on the east line of the farm of W. P. Ramsey; thence on [the] east side of Ottawa creek, via Tomberlain's and Sower's, or as near as practicable, and crossing Ottawa creek at Copple's Ford; thence, on as straight a line as practicable, to Ottawa, Franklin county; thence to Garnett, Anderson county; thence to Mapleton and Fort Scott, Bourbon county; commissioners, Daniel Smith, of Franklin county, Charles Hidden, of Anderson county, and Joseph Lambert, of Bourbon county.

Tenth—one from the south terminus of Washington street, Junction City, Davis county; thence in a southerly direction, up Lyon's creek, to the northeast corner of township fourteen, range four; thence in a southerly direction, to the Santa Fe road, at or near where said road crosses the Cottonwood river, Marion county; commissioners, Christian Hoffman, H. Wordof and Charles Staatz.

Eleventh—one from Ottawa, via Ohio City [and] Neosho Falls, to Belmont, Woodson county; commissioners, W. S. Goss, H. J. Gregory, Jason Moreland and John C. Richmond.

Twelfth—one from Mapleton, Bourbon county, via Ozark and Elizabethtown, Anderson county, to Leroy, Coffey county; commissioners, W. J. Brewer, of Bourbon county, Jo-

seph Price, of Anderson county, and J. R. Hosley, of Allen county.

Thirteenth—one from Garnett, via Carlyle and Iola, to Humboldt, Allen county; commissioners, Charles Hidden, of Anderson county, Isaac Fetheringill and William Templeton, of Allen county.

Fourteenth—one from Topeka [to] Centropolis; thence to Ottawa; commissioners, John C. Richmond, of Franklin county, Hiram Shields, of Shawnee county, and Philip T. Hupp, of Osage county.

Fifteenth—one from Wyandotte, via Shawneetown, Johnson county, New Lancaster Trading Post, Potosi and Barnesville, to Fort Scott, following the old military road as near as practicable; commissioners, E. B. Barnard, W. A. Macintosh and William Huffman.

Sixteenth—one from Emporia, via Neosho Rapids, Ottumwa, Burlington [and] Leroy, crossing the river thereat, and on south side of Neosho river, to Neosho Falls; thence to Humboldt; commissioners, John Moore, J. C. Bunch and Orlin Thurston.

Seventeenth—one from Ottawa, Franklin county, to Dutch Henry's crossing, to Mapleton, to Fort Scott; commissioners, A. W. Wasson, Sgr. Clippard and William Byington.

Eighteenth—one from Burlingame to Ottumwa; commissioners, John L. Rooks, Henry Sheldon and J. T. Cox.

Nineteenth—one from Council Grove, Morris county, to or near Marion Center, in Marion county; commissioners, C. Columbia, J. O. Bryne and Thomas Wise, jr.

Twentieth—one from Atchison city to the half mile corner of section four, township five, range nineteen; thence west, to the town of Kinnekuk; commissioners, Dr. W. W. Cochran, Robert White and R. Baldwin.

Twenty-first—one from Grasshopper Falls, Jefferson county, via Monrovia and Lancaster, in Atchison county, to the city of Doniphan, Doniphan county; commissioners, L. H. Snyder, Wm. Nichal and Benjamin Hillman.

Twenty-second—one from Monrovia, in Atchison county, to the military road from Leavenworth to Kearney, at or near where said road crosses the line between Brown and Nemaha

counties; commissioners, John Hellwig, J. W. Best and E. Williams.

Twenty-third—one from Highland, Doniphan county; thence to Hulett's crossing of Cedar creek; thence, on or near where the road now runs, until it strikes the Brown county line; thence, on said line, north, to the Nebraska line, at or near the Nemaha agency; commissioners, J. F. Swartz, Dawson Arnold and J. A. Briggs.

Twenty-fourth—one from Iola, Allen county, to Syracuse, Wilson county; commissioners, E. A. Hawse [and] H. D. Parsons, of Allen county, and George W. Cuttingham, of Wilson.

Twenty-fifth—one from Burlington, Coffey county, via Belmont, Woodson county, to Syracuse, Wilson county; commissioners, Robt. Craig, of Wilson county, Jonathan Foster, of Woodson county, and C. O. Kent, of Coffey county.

Twenty-sixth—one from America, on the first standard parallel, as near as practicable, to Clifton, on the Republican [river]; commissioners, Daniel Shut, M. Stumbs and J. C. P. Malone.

Twenty-seventh—one from Osawatomie, Miami county, via Jackson post office, Keokuk, Xenia and Goff's mills, on the Marmaton river, to Rockford, Bourbon county; commissioners, Reuben Smith, Jonathan Hodgson and Aleph Goff.

Twenty-eighth—one from Fort Scott westward, via the residence of T. J. Holts, on Turkey creek, Bourbon county, to Iola, Allen county; commissioners, G. P. Edes, J. M. Eastwood and J. A. Christy.

Twenty-ninth—one from Junction City, Davis county, northwestward, on the south side of the Republican river, to the mouth of Buffalo creek, in Shirley county; commissioners, J. B. Quimby, George A. Puttington and George W. Taylor.

Thirtieth—one from Council Grove, Morris county, to Cottonwood Falls, Chase county; commissioners, Dr. Lacy, Geo. Morris and E. Stotts, of Chase county.

Thirty-first—one from Topeka, on the line between ranges fifteen and sixteen, as near as practicable, to Henry Mitchell's mill, on south Cedar creek; thence to Holton and Wa-

thena; commissioners, J. W. Walton, A. Bennett and Samuel Anderson.

Thirty-second—one from the town of Batchelder, Riley county, to a point on the Solomon river, at or near where the second standard parallel crosses the said Solomon river; commissioners A. B. Whiting, A. H. Towle and Seymour Ayres.

Thirty-third—one from Highland, Doniphan county, to the northern boundary of the State, in the direction of Fall City; commissioners, John P. Johnson, Daniel Chopson and Doctor Nesbit.

Thirty-fourth—one from Junction City, as near due west as practicable, to the western boundary line of this State; commissioners, George Ware, J. W. Woodard and George Purrinton.

Thirty-sixth—one from Albany, Nemaha county, to Hiawatha, Brown county; commissioners, W. B. Slosson, Wm. Collins and Mr. Gordon.

Thirty-seventh—that a certain road commencing at Olathe, Johnson county, running on a direct line to the south corner of sections thirty-four and thirty-five, township twelve, range twenty-four; thence, on a direct line intersecting the range line, between ranges twenty-four and twenty-five, at the quarter-mile corner, next south of the northwest corner of section thirty, range twenty-five; thence, on said line to the one half-mile corner, next south of the northwest corner of section nineteen on said line; thence, on a direct line to the south corner of sections seventeen and eighteen, township twelve, range twenty-five; thence due north until it intersects the State [road] leading from Lawrence to Westport, Missouri, be and is hereby declared a State road. Commissioners, D. C. Campbell, John Evans and Esquire Percell.

Thirty-eighth—that S. J. Livingston, Philip T. Hupp and James Duffey are hereby appointed commissioners to locate a road from Topeka to the Sac & Fox Agency, in Osage county. That John H. Nelson, Leonard Elliott and O. H. Browne are hereby appointed commissioners to locate a road from Auburn in Shawnee county, through Osage county, to Twin Mound, in Douglas county.

Thirty-ninth—one from Topeka, crossing the California road, as near as practicable to the farm known as the Shields farm, to Clinton, Douglas county; commissioners, E. Disbro, J. Willetts and Michael Allen.

Fortieth—one from the south side of Sixth avenue west, in the city of Topeka, on the quarter-section line between S. E. Martin's and D. H. Horne's, in section thirty-six, township eleven, range fifteen, and running in a southwesterly direction to the southeast corner of the southeast quarter of the northeast quarter of section twenty-six, township twelve, range nine, in Shawnee county; thence running on or near the line between the southwest and the northwest quarters of section twelve, township thirteen, range thirteen; thence westerly, on or near the section line between sections twenty-five and thirty-six, township thirteen, range twelve, in Wabaunsee county; thence to the most eligible point on the Topeka and Council Grove road; commissioners, Peter Kees, Marcus Towns and Jacob Miller.

Forty-first—commencing at or near the point where the range line between ranges eighteen and nineteen strikes the military road from Fort Leavenworth to Fort Kearney; thence south, as near as practicable, along said line until it strikes the old St. Joseph and Lecompton road, at or near the northwest corner of Mr. Webb's north field in Leavenworth county; commissioners, L. Hargrove, S. Dunn and H. Shell.

Forty-second—that such portion of the State road located and established from Junction City to County Grove, running through sections thirty-five and thirty-six, township eleven, south, range six, east, in Davis county, be and the same is hereby changed as follows, to wit: Beginning in the middle of the channel of Clark's creek, where said road crosses said creek; thence south twenty degrees, east sixty-three chains, to the junction of Humboldt and Clark's creeks; thence due east on the line between the lands of Samuel Orr and J. C. Kennett, ninety-three chains; thence south forty-five degrees east, to intersect the original survey of said road.

Forty-three—one from Garnett to Humboldt, via Elizabethtown; commissioners, G. W. Ler, Joseph Rice and Joseph Mills.

Forty-fourth—one from Eldorado, Butler county, via Chelsea, Butler county, and Cedar Point, Chase county, to Junction City, Davis county; commissioners, George Donaldson, O. H. Drinkwater and John H. Kannan.

Forty-fifth—one from Wyandotte City to Quindaro; commissioners, Joseph Gilliford, Martin Stewart and William Cook.

Forty-sixth—that the Santa Fe road from Council Grove, Morris county, to the crossing of the Osage 110-mile creek, as defined by the United States survey made in 1825, be hereby declared a State road; commissioners, A. J. Bryan, William D. Harris and A. N. Blackledge.

Forty-seventh—one from Circleville, Jackson county, via Lincoln, to Seneca, Nemaha county; commissioners, R. Oursler, William Hickey and J. H. Farran.

Forty-eighth—one from Clinton, Douglas county, to Auburn, Shawnee county; commissioners, John A. Bean, G. W. Porter and W. Disney.

Forty-ninth—one from Wyandotte to the Missouri State line, in the direction of Kansas City, Missouri; commissioners, Daniel Killen, John M. Chrysler and Silas Armstrong.

Fiftieth—one from Ohio City to Mound City, via Berea, Mount Gilead and Greeley; commissioners, G. W. Housblen, J. N. Smith and D. W. Smith.

Fifty-first—a State road shall be located from Manhattan, in Riley county, on the most feasible route up the Big Blue valley, to Irvin, in Marshall county, Kansas.

Fifty-second—one from Cottonwood Falls, Chase county, to Marion Center, Marion county; commissioners, L. D. Hinkley, E. Stotts, of Chase county, and Reuben Riggs, of Marion county; said road being a re-survey of the aforesaid section or portion of a State road from Minneola, by way of Neosho Rapids, Emporia and Cottonwood Falls, to Santa Fe road, approved June 4th, 1861.

Fifty-third—from Trading Post, via Mound City and Ozark, to Neosho Falls; commissioners, S. Goss, Seymour Smith and A. G. West.

Fifty-fourth—one road from a point where the Leavenworth City and Grasshopper Falls road crosses the Big Stranger

creek; thence to [the] crossing of the Grasshopper, at or near Van Winkle's, in Atchison county; commissioners, Moses McCarty, J. Miller and R. A. Van Winkle.

Commissioners on the 51st road, Mincher Condray, John S. Randolph, and Joseph Hays.

SEC. 2. That, for locating the roads established by the present Legislature, the engineers shall receive five dollars per day; the commissioners, each two and a half dollars, and all other hands necessarily employed, two dollars per day, together with the necessary expenses for subsistence.

SEC. 3. That if any board of commissioners, provided for by this act, shall become vacant from any cause, the Governor shall, on the application of any five persons, appoint a new board of commissioners, who shall proceed to locate any road not surveyed and located as provided in this act: *Provided*, that such a board of commissioners shall locate such road within two years after such vacancy shall have occurred; and the provisions of this section shall also apply to all roads [to be] established as provided by the provisions of an act entitled "An act to locate certain State roads," approved February 29th, 1864, which have not been surveyed and located according to its provisions.

SEC. 4. This act shall take effect and be in force from and after its publication once in the Topeka Record.

Approved February 15th, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXVI.

STATE BUILDINGS.

AN ACT making an appropriation to pay the rent of the capitol buildings.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for the payment of rent of capitol buildings for the year ending December 25th, 1865, due December 25th, 1864, as follows, to wit: To Wilson L. Gordon, three hundred and twenty dollars; Theodore Mills, three hundred and seventy-five dollars; Guilford G. Gage, three hundred and seventy-five dollars. Loring Farnsworth, four hundred and thirty dollars.

SEC. 2. The Auditor is hereby authorized to issue warrants upon the Treasury for the payment of the amounts specified in the first section of this act.

SEC. 3. That this act shall be in force from and after its passage.

Approved February 10th, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXVII.

STATE BUILDINGS.

JOINT RESOLUTION providing for repairing roof of capitol buildings.

Resolved by the Legislature of the State of Kansas:

That Loring G. Farnsworth, who is the owner of that part of the capitol building in which the Senate chamber is situated, be requested to repair the roof of said part of said capitol building, so as to prevent leakage in the same, and to

raise the chimneys of said building, so as to prevent their smoking; and, if the said repairs are not made by the first day of March, 1865, that the sergeant-at-arms of the Senate be and he is hereby authorized to repair the same, and that the expense be deducted from the rent of said part of said buildings for the year 1856 [1866].

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXVIII.

POWERS AND DUTIES OF STATE OFFICERS.

AN ACT to amend an act defining the powers and duties of certain State officers.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section twenty-six of an act entitled "An act defining the powers and duties of certain State officers," approved June 3, 1861, be and the same is hereby amended, so as to read as follows, to wit: "Section 26. On ascertaining the amount due any person from the State, the Auditor shall issue his warrant on the Treasurer for the sum due: *Provided*, however, that the Auditor shall not be allowed (except for the payment of the salaries of State officers, as fixed by law,) to audit any claim against the State, or draw his warrant on the Treasurer, unless such claim was ordered by either house of the Legislature, or ordered by act of the Legislature, or was contracted against the State by the Governor, Secretary of State or Treasurer; and all claims arising from such contracts shall, before being audited, be sworn to by the claimant as correct and unpaid, and be certified to by the officer so contracting, that such claim was contracted by him for the State, and that the amount claimed is correct, according to such contract, and is unpaid. He shall keep a fair record of all

Duties of State officers.

warrants by him drawn, numbering the same in a book to be by him kept for that purpose."

SEC. 2. That section thirty-four of the act to which this is amendatory be so amended as to read as follows: "Section 34. The Auditor shall, on the fourth Monday of May and November in each year, examine the books and accounts of the treasurer and the moneys on hand in the treasury, and immediately thereupon report the result of such examination, in writing, to the Governor, specifying therein the amount and kind of funds particularly. He shall also discharge such other duties as may be prescribed by law."

SEC. 3. That section fifty-one of the act to which this is amendatory be so amended as to read as follows: "Section 51. It shall be the duty of the Secretary of State, the Auditor of State, the State Treasurer and the Superintendent of Public Instruction to make out their annual reports, and deliver them to the Governor, on or before the fifteenth day of December; and in such reports they shall mention all the apparent defects, inconsistencies, omissions, unequal or oppressive laws, which they shall have severally discovered, for the purpose of enabling the Legislature to make such amendments as will tend to perfect the code of the State; and it shall be the duty of the Governor to deliver such reports to the State printer, in order that they may be printed in pamphlet form, for distribution among the members of the Legislature, on their assembling in the January ensuing: *Provided*, that not more than six hundred copies of such reports shall be printed —five hundred for the use of the members of the Legislature, and one hundred for the use of the State officers.

Duty of Secretary of State.

Repealed.

SEC. 4. That sections twenty-six, thirty-four and fifty-one of the act to which this is amendatory be and the same are hereby repealed.

SEC. 5. The fiscal year of the State of Kansas shall begin with the first day of December.

SEC. 6. This act shall take effect and be in force from and after the publication of the same in the statutes.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXIX.

STATE INSANE ASYLUM.

AN ACT for the government and regulation of the State insane asylum.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That there shall be a board of trustees appointed by the Governor, which shall consist of three members, one of whom only may be a resident of Miami county, whose duty it shall be to take charge of the lands, tenements and appurtenances thereunto belonging to the State insane asylum, as located in the township of Osawatomie, in the county of Miami, in accordance with the provisions of an act entitled "An act to locate the State insane asylum," approved March 2d, 1863. Appointment by the Governor.

SEC. 2. That the said board of trustees shall hold their office for the term of two, four and six years, and until their successors are appointed and qualified, as follows: first named, two years; the second, for four years, and the third, for six years. Said board of trustees, before entering upon the duties of their office, shall take and subscribe an oath to support the constitution of the United States and the constitution of the State of Kansas, and to faithfully discharge the duties required of them by the provisions of this act. Said board of trustees shall receive, as compensation for their services, the sum of three dollars per day for each day necessarily employed in the discharge of their duty as said trustees, to be paid out of the State treasury. Time board shall hold office.

SEC. 3. That the board of trustees shall, within ninety days after the passage of this act, meet in the township of Osawatomie, and county of Miami, and elect one of their number president, and another treasurer. The treasurer shall give bonds to the State, in double the amount that is likely to come into his hands, conditioned for the faithful discharge of his duties as treasurer of said board, said bond to be approved by the Governor, and filed in the office of the Secretary of State. Bond to be given.

Duties of treasurer.

SEC. 4. That said treasurer be and is hereby authorized to receive all moneys for the use and benefit of said asylum, either appropriations or donations, and all moneys coming into the hands of the treasurer shall be expended by the direction of the said board of trustees; and it shall be the duty of said board, when it shall appear that there is sufficient money for that purpose, to contract, on the most reasonable terms, by advertising and letting the same to the lowest bidder, for the erection and completion of suitable buildings for the accommodation of such persons of unsound mind as may come under their charge.

SEC. 5. That the board of trustees, whenever it shall become necessary, shall appoint a medical superintendent, also a steward and matron, who shall be styled the resident officers of the institution. Said trustees shall fix allowances not otherwise provided by law. They shall also, in connection with the medical superintendent, prescribe rules and regulations for the government of the institution.

Duty of trustees.

SEC. 6. That it shall be the duty of one or more of the trustees to visit the institution monthly, and all or a majority of them quarterly. The board of trustees shall make a record of their proceedings at all their meetings, in a book to be kept for that purpose, and at their annual meetings they shall make a report to the Governor of the condition and the wants of the asylum, which shall be accompanied by full and accurate reports of the medical superintendent, and a detailed account of all the moneys received and disbursed.

SEC. 7. The board of trustees shall hold their annual meetings on the third Tuesday of November in each year. Special meetings for the appointment of officers or the transaction of general business shall be held upon the written request of the president. Ten days' notice shall be given, stating the object for which the meeting is called.

SEC. 8. That no trustees or any officer of the institution shall be, either directly or indirectly, interested in the purchase of building material, or any article of furniture or supply for the use of the asylum.

SEC. 9. That this act shall take effect and be in force from and after its publication once in the Daily State Record.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXX.

STATE BLIND ASYLUM.

[JOINT RESOLUTION in reference to the location of the State asylum for the blind.]

Resolved by the Legislature of the State of Kansas:

That the commissioners appointed to locate the asylum for the blind in the county of Wyandotte be permitted to locate the same, and secure the title to the land on which the same is located, within twelve months from the passage of this resolution, anything in the act approved February 27th, 1864, to the contrary notwithstanding.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXI.

STATE PRINTING.

AN ACT to amend section three of an act entitled "An act supplementary to and amendatory of an act to provide for the State printing," passed May, 1861, approved March 5th, 1862.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 3 of an act entitled "An act supplementary to and amendatory of an act entitled 'An act to provide for the State printing,' passed May, 1861, approved March 5th, 1862," be amended so as to read as follows: "The binding of laws, journals and public documents shall be in paper covers."

Amended.

SEC. 2. This act to take effect and be in force from and after its publication in the Daily Record.

Approved February 15, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for February 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXII.

SCHOOL LAWS.

AN ACT to amend school laws.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 1 of an act entitled "An act to authorize school districts to issue bonds," approved January 27th, 1864, be so amended as to read as follows: "The district board of any school district in the State of Kansas, for

Amended.

the purpose of building school houses in said district, are hereby authorized to issue the bonds of said school district, not exceeding in amount two thousand dollars, or so much thereof as the district board in any of the aforesaid school districts may deem necessary, in sums not less than ten dollars, which bonds shall draw interest from their date at the rate of seven per cent. per annum, payable annually, and each bond shall be signed by the district director, attested by the clerk, and countersigned by the treasurer of said school district, and shall specify thereon to whom the same shall be made payable: *Provided*, that no bonds shall be issued in accordance with the provisions of this act by any school district, unless first approved by a vote of two-thirds of the qualified voters of said school district, present at any regular school meeting: *Provided*, that in the notice of the annual meeting, it shall be stated that a vote shall be taken whether or not bonds shall be issued."

SEC. 2. That section 1 of an act entitled "An act to amend an act entitled 'An act for the regulation and support of common schools,'" approved March 1st, 1864, be so amended as to read as follows: "That it shall be the duty of the several school district clerks in this State to make out a certified list of all persons residing within their respective districts, liable to pay taxes, together with the names of all non-resident taxpayers, and to transmit the same to the county clerk of their respective counties on or before the first day of July, annually, excepting incorporated cities." Amended.

SEC. 3. That section 2 of an act entitled "An act to amend an act entitled 'An act for the regulation and support of common schools,'" approved March 2d, 1863, be amended so as to read as follows: "An annual meeting of each school district shall be held on the last Saturday of July of each year, at such hour as the board of directors shall name. Special meetings shall be called by the district board, or by a majority of the legal voters, but notice of such special meeting, stating the purposes for which it is called, shall be posted in at least three public places within the district, ten days previous to the time of meeting." Amended.

County treasu'r.

SEC. 4. That no county treasurer shall receive any compensation for disbursing or receiving either county or State school moneys.

Duty of county clerk.

SEC. 5. That the county clerk of each county shall, on the first Monday of March and July of each year, make out and transmit to the county superintendent a true statement of any county school money in the county treasury.

Money.

SEC. 6. That, when any money shall be left in the hands of the probate court of any county, according to the provisions of section 3, article 6, of the constitution, the probate judge shall pay over the same into the county treasury, taking duplicate receipts therefor, one of which shall be recorded in his office, and the other forwarded to the State Treasurer.

Duty of probate judge.

Annual meeting.

SEC. 7. That the annual meeting of the union or graded school district shall be held on the last Wednesday of June, at such hour as may be indicated by the board.

Publication.

SEC. 8. This act to take effect and be in force from and after its publication once in the Kansas Educational Journal.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Kansas Educational Journal for March 12th, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXIII.

SCHOOL PURPOSES.

AN ACT to appropriate dram-shop, tavern and grocery license in Morris county to school purposes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all moneys arising from dram-shop, tavern and grocery license in Morris county, be and the same are hereby set apart, and [made a] common school fund for said county.

SEC. 2. That it shall be the duty of the county treasurer to report the amount of said money on hand on the first Monday in March and July of each year, to the county superintendent, that he may make a distribution of the same among the different districts of said county.

SEC. 3. This act to take effect and be in force from and after the first day of January, A. D. 1866.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXIV.

STOCK.

AN ACT to prevent the bringing of stock into the State from the State of Texas, or territory south of the southern line of this State, and to seize and condemn the same when brought into the State.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. If any person or persons other than immigrants shall drive or cause to be driven any cattle or other stock, by the single head or in a drove or droves, through or into any county, in this State from the State of Texas, or from the territory south of the south line of this State, he or she or they, for every such offense, on conviction thereof in the district

Relating to driving stock from Texas, etc.

court, shall be fined in a sum not less than one thousand dollars, and imprisonment in the penitentiary of the State not less than one year.

Penalty for such offense.

SEC. 2. Whenever any justice of the peace or judge shall receive satisfactory information by affidavit, that any such cattle or other stock are within his jurisdiction, he shall issue his warrant to the sheriff of the county, or a constable in his township, commanding him to seize such cattle or other stock, and bring the offender or offenders before him, and he shall proceed to hear and determine in a summary manner the complaint made before such justice of the peace or judge; and if it shall appear to the satisfaction of such justice of the peace or judge, that such cattle or other stock were brought from Texas or from the territory south of the south line of this State, he shall, if a judge having jurisdiction thereof, condemn the same and order the sheriff or constable who seized said cattle or other stock, to sell the same in the manner now provided by law for the sale of personal property on execution; and the proceeds of such sale, after paying the costs of the suit, shall be paid over to the treasurer of the county, for the benefit of the common schools of the county; and if brought before a justice of the peace, said justice shall require of such offender a good and sufficient recognizance that he appear before a judge or court having jurisdiction thereof, at the next term of said court.

SEC. 3. This act shall take effect and be in force from and after its publication once in the Emporia News and Topeka State Record.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Emporia News and Topeka State Record for February 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXV.

SUITS.

JOINT RESOLUTION to settle a suit.

WHEREAS, A suit at law has been commenced in the district court within and for the county of Shawnee and State of Kansas, by the State of Kansas, as against H. R. Dutton *et al.*; and whereas, Jacob Smith, one of the defendants in said suit, has made a proposition to the State of Kansas to convey by a good deed to the State of Kansas; in full settlement of said suit, the following land and tenements, lying and being in the county of Shawnee and State of Kansas, and being the section or reserve, number seven (7) of the lands known as the Kansas Half-breed Indian Lands, excepting and reserving therefrom the southwest quarter of the southwest quarter of said section or reserve; the said land hereby conveyed, containing six hundred acres of land, be the same more or less, and supposed to be worth $7,500; therefore,

Resolved by the Legislature of the State of Kansas, That the said proposition recited in the foregoing preamble be and the same is hereby accepted by the State of Kansas: *Provided*, that this joint resolution shall have no force or effect, unless the said Jacob Smith shall convey to the State of Kansas by a good warranty deed to the premises described in the foregoing preamble, and deliver the same to the Governor of the State of Kansas; and when said deed is delivered and accepted by the Governor, the Attorney General shall enter satisfaction of the claim sued on on the record of said court.

This joint resolution shall be in force from and after its passage.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXVI.

SWINE.

AN ACT to prevent swine running at large in Shannon township, Atchison county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the provisions of an act entitled "An act to provide for regulating of the running at large of swine," approved January 28th, 1860, be and the same are hereby extended to the township of Shannon, in Atchison county, and the townships of Kaw, Rock Creek and Grasshopper Falls, in Jefferson county.

SEC. 2. This act to take effect and be in force from and after its publication in the Atchison Free Press.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Atchison Free Press for February 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXVII.

TAXES.

AN ACT legalizing the assessment of certain taxes by the city of Atchison.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all ordinances, amended ordinances, resolutions and motions, passed by the city council of the city of Atchison, in relation to the assessment, levying, and certifying of special taxes on lots and parts of lots on Commercial

street, between Fifth and Eighth streets, in the said city of Atchison, for the purpose of paying McCausland and Brown for the grading of said Commercial street, between Fifth and Eighth streets, are hereby declared legal and valid.

SEC. 2. That all lots and parts of lots on said Commercial street, between Fifth and Eighth streets, upon which the assessments for the grading aforesaid have not been paid, shall be advertised and sold by the treasurer of the county of Atchison, at the time and in the manner now provided by the general laws of the State for the sale of real estate for taxes.

SEC. 3. That all ordinances, amended ordinances, resolutions and motions, passed by the city council of the city of Atchison, in relation to the assessment, levying and certifying of special taxes on all lots and parts of lots on Commercial street, between the levee and the western end of said Commercial street, in the said city of Atchison, for the purpose of paying Charles Byrnes for the building of a stone bridge on said Commercial street, at or near Seventh street, are hereby declared legal and valid.

SEC. 4. That all lots and parts of lots on said Commercial street, between the levee and the western terminus of said street, upon which the assessment for the building of the aforesaid bridge has not been paid, shall be advertised and sold by the treasurer of the county of Atchison, at the time and in the manner now provided by the general laws of the State for the sale of real estate for taxes.

SEC. 5. This act shall take effect and be in force from and after its publication once in the Atchison Free Press.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Atchison Free Press for Feb. 18, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXVIII.

DELINQUENT CITY TAX.

AN ACT to provide for the collection of the delinquent city tax for the year 1862, of the city of Topeka, and to legalize the action of the city marshal of said city, and the county clerk of Shawnee county, in certifying said tax for collection.

Be it enacted by the Legislature of the State of Kansas:

Duty of county treasurer.

SECTION 1. That it shall be the duty of the county treasurer of Shawnee county to collect the delinquent city taxes for the year 1862, of the city of Topeka, in the same manner as is now prescribed by law for the collection of other taxes.

Legalization of acts of county officers.

SEC. 2. That the action of the city marshal of said city in certifying said tax to the county clerk of said county, and the action of the county clerk of said county in certifying said tax to the county treasurer of said county for collection, is hereby legalized.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXIX.

INDIAN LAND TITLES.

AN ACT concerning Indian land titles.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all members of Indian tribes, to whom lands have been granted by the United States, in this State, and who have received patents therefor, are hereby authorized to sell or convey the same by deed in fee simple, or to mortgage the same, with the like effect and under the same restrictions and limitations as are provided by law for conveyances in other cases.

SEC. 2. That all conveyances heretofore made under the laws of the State of Kansas regulating conveyances by said Indians, since patents issued therefor, are hereby declared to be good and valid.

SEC. 3. This act to be in force from and after its publication once in the Topeka State Record.

Approved February 1, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 4, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXX.

TAKING OF STONE AND STONE QUARRIES.

AN ACT providing for the taking of stone and stone quarries for public use.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, whenever in the prosecution of any public works by the State, or in the erection of public buildings under the authority of the State, it shall be necessary to take any stone or stones from any stone quarry for the purpose of erecting such building, the same may be taken and appropriated in the same manner as is provided by law for the taking, appropriation and condemnation of land by railroad companies.

SEC. 2. The contractor or contractors for such works shall in all cases pay the damages which shall be assessed.

SEC. 3. This act shall iake effect and be in force from and after its publication once in the State Record.

Approved February 15, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 22, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXXI.

VACATING A ROAD.

AN ACT to vacate a certain road.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the laid-out road or street describing the eastern boundary of the town site of Mound City, Linn county, Kansas, be and the same is declared vacant.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXXII.

VACATING CERTAIN STREETS AND ALLEYS.

AN ACT to vacate certain streets and alleys.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all the streets and alleys of that portion of the town of Gardner, in the county of Johnson, State of Kansas, herein described as follows, be declared vacated: Southeast quarter of southwest quarter, section twenty-four, township fourteen, range twenty-two; north half of southwest

[quarter] of southwest quarter, section twenty-four, township fourteen, range twenty-two; north half of southeast [quarter] of southeast quarter of section twenty-three, township fourteen, range twenty-two; southwest quarter of southeast quarter, section twenty-three, township fourteen, range twenty-two; north half of northeast quarter, section twenty-six, township fourteen, range twenty-two; northeast quarter of northwest quarter, section twenty-five, township fourteen, range twenty-two. The same is hereby declared vacated for use as public streets, alleys and highways, and of such vacated streets and alleys shall attach equally to the lots thereto adjacent on each side in proportion to the pontage of town lots.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXXIII.

VACATING AN ALLEY.

AN ACT to vacate a certain alley in Cuddy's addition to Junction City.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the alley laid off in block twenty-one (21) in Cuddy's addition to Junction City, in the county of Davis and State of Kansas, be and the same is hereby vacated, and such alley shall attach equally to the lots adjacent on each side.

SEC. 2. This act shall take effect from and after its passage.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXXIV.

VACATING STREETS AND ALLEYS.

AN ACT to vacate certain streets and alleys in Wilmington.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the streets and alleys laid off in the town of Wilmington, in the county of Wabaunsee, State of Kansas, on the west half of the southeast quarter, and the south half of the northwest quarter of section fifteen (15), in township fifteen (15), of range thirteen (13), be and the same are hereby vacated.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXXV.

PROTECTING DEBTS DUE VOLUNTEERS.

AN ACT to protect the debts due to persons in volunteer service of the United States.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That no plea of the statute of limitations shall operate as a bar to the right to recover any debt or demand founded on contract in favor of any person who is now or has been serving in the volunteer military service of the Federal Government to suppress the present rebellion; and in all cases when such plea is interposed, the person against whom it is pleaded may show such service as aforesaid, and the time he was so engaged in such service shall be deducted out of the

Volunteer service.

time now fixed by law, for the limitation of actions: *Provided*, this law shall not be so construed as to revive any debt or demand as aforesaid that was barred before such person entered the volunteer military service of the United States.

SEC. 2. This act shall be published once in the Topeka State Record, and shall be in force from and after such publication.

Approved February 11, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record for Feb. 17, 1865.

R. A. BARKER,
Secretary of State.

CHAPTER LXXXVI.

WILLS.

AN ACT relating to wills, and to repeal former acts relating thereto.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person of full age and sound memory, having an interest in land, tenements, hereditaments, or any annuity or rent charged upon or issuing out of the same, or any goods, chattels, rights, credit, choses in action or possession, or any other property of any description whatever, may give and devise the same to any person, by last will and testament lawfully executed, subject, nevertheless, to the rights of creditors, and to the provisions of this act. **Provisions for making a will.**

SEC. 2. Every last will and testament, except such as is mentioned in the seventy-fourth (74) section of this act, shall be in writing, and signed at the end thereof by the party making the same, or by some other person in his presence, **Will to be written and attested.**

and by his express direction, and shall be attested and subscribed in the presence of such party by two or more competent witnesses, who saw the testator subscribe, or heard him acknowledge the same.

To be deposited.

SEC. 3. Any will, in writing, may be deposited by the person making the same, or by some person for him, in the office of the judge of the probate court, in the county in which such testator lives, to be safely kept until delivered or disposed of as hereinafter provided; and said probate judge, on being paid the fee of one dollar therefor, shall receive and keep such will, and give a certificate of deposit thereof.

Fee.

Will to be sealed.

SEC. 4. Every will intended to be deposited as aforesaid, shall be inclosed in a sealed wrapper, which shall have endorsed thereon the name of the testator, and the said probate judge shall endorse thereon the day when, and the person by whom it was delivered, and may also have endorsed the name of any person to whom it is to be delivered after the death of the testator; and it shall not be opened or read until delivered to a person entitled to receive the same, or otherwise disposed of as hereinafter provided.

Indorsement.

Disposit'n of will.

To whom the will shall be deliver'd.

SEC. 5. Such will shall, during the life-time of the testator, be delivered only to himself or to some person authorized by him by an order in writing, duly proved by the oath of a subscribing witness; and, after his death, it shall be delivered to the person named in the endorsement on the wrapper of the will, if there be any person so named, who shall demand it.

Further disposition of will after the death of the testator.

SEC. 6. If no person shall demand the will in pursuance of such appointment, it shall be publicly opened in the probate court within two months after notice of the death of the testator, and shall be retained in the office of the probate judge until offered for probate, or if the jurisdiction belongs to any other court, it shall be delivered to the executors or other persons entitled to the custody of it, to be presented for probate in such other court; and if the jurisdiction of such will belongs to the probate judge opening the same, he shall immediately give notice to the executor or executors, if any are named in such will; and if none are named therein, then two other persons immediately interested of the existence of such will.

SEC. 7. If any real or personal estate shall be devised or bequeathed by the last will, the executors of such will, or any person interested therein, may cause the same to be brought before the probate court of the county in which such estate may be, and the court may, by citation, attachment, or warrant, or if circumstances require it, by warrant or attachment in the first instance, compel the person having the custody or control of such will to produce it before the court, for the purposes of being proved. Real or personal estate.

SEC. 8. The process mentioned in the preceding section may be issued into any county in the State, and shall be served and returned by the sheriff or other officer to whom it may be delivered. How process to be issued.

SEC. 9. The officer to whom such process may be delivered shall be liable for neglect in the service or return of such process in like manner as sheriffs are, or may be by law liable for neglect in not serving or returning a capias issued upon an indictment. Neglect of duty.

SEC. 10. If the person having the custody or control of a will, shall, without any reasonable cause, neglect or refuse to produce the same for probate, after being duly cited for that purpose, he may be committed to the jail of the county, there to be kept in close custody until he shall produce the will; and he shall be further liable to the action of any party aggrieved, for the damages which may be sustained by such neglect or refusal. Penalty.

SEC. 11. If a devise or request be given to a person who is a witness to the will, and the will cannot otherwise be proved than by the testimony of such witness, the devise or bequest shall be void, and the witness shall be competent to give testimony of the execution of the will in like manner as if such devise or bequest had not been made; and if such witness would have been entitled to any share of the testator's estate in case the will was not established, so much of such share as shall not exceed the bequest or devise to him, shall be saved to him, and the devisees and legatees shall contribute for the purpose in the mode directed in the forty-first section of this act. Competent witness.

SEC. 12. The said court shall cause the witnesses to such

will, and such other witnesses or any person interested in having the same admitted to probate, [as] may desire, to come before such court; and said witnesses shall be examined in open court, and their testimony reduced to writing, and filed.

How and where witnesses are to be examined.

SEC. 13. If it shall appear to the court, when the will is offered for probate, that any witness thereto is gone to parts unknown, or if the witness to a will were competent at the time of attesting its execution, and afterwards became incompetent, the will may be admitted to probate and allowed upon such proof as would be satisfactory, and in like manner as if such absent or incompetent witness were dead.

Proof to be admitted.

SEC. 14. The court may issue a commission, with the will annexed, directed to any suitable person or persons, to take the deposition of any witness to a will who resides out of the jurisdiction of the court, or who resides within it and is infirm and unable to attend court; and every deposition so taken, certified and returned by any one or more of the persons named in such commission, shall be as valid as if taken in open court.

Commissioner to take deposition.

SEC. 15. If it shall appear that such will was duly attested and executed, and that the testator, at the time of executing the same, was of full age and sound mind and memory, and not under any restraint, the court shall admit the will to probate.

Will to be admitted to probate.

SEC. 16. Every will, when admitted to probate as above mentioned, shall be filed in the office of the probate judge, and recorded, together with the testimony, by said judge or his clerk, in a book which shall be kept by him for that purpose.

Copy of will.

SEC. 17. A copy of such recorded will, with a copy of the order of probate annexed thereto, certified by said judge of probate under the seal of his court, shall be as effectual in all cases as the original would be if produced and established by proof.

Validity of copy of will.

SEC. 18. If real estate devised by will is situated in any other county than that in which the will is proved, an authenticated copy of the will and order of probate shall be admitted to record in the office of the probate judge of each county in which such real estate may be situated, upon the order o

such probate judge, and shall have the same validity therein as if probate had been had in such county.

SEC. 19. If no person interested shall, within two years after probate, appear and contest the validity of the will, the probate shall be forever binding, saving, however, to infants, married women, and persons absent from the State, or of insane mind, or in captivity, the like period after the respective disabilities are removed. Limitation.

SEC. 20. The mode of contesting a will shall be by petition, which may be filed in the district court of the proper county within said two years, by any person interested in the will or estate of the deceased. Contesting a will.

SEC. 21. In such suit in [the] district court, an issue shall be made up, whether the writing produced be the last will of the testator or not, which shall be tried by a jury, whose verdict shall be final between the parties, unless the court shall grant a new trial, or the case be taken to the supreme court by petition in error. Issue.

SEC. 22. The order of the probate shall be prima facie evidence, on the trial of said issue, of the due attestation, execution and validity of said will. Prima facie evidence.

SEC. 23. A certified copy of the testimony of such of the witnesses examined upon the original probate as are out of the jurisdiction of the court, dead, or have become incompetent since the probate, shall be admitted in evidence upon such trial. Certified copy.

SEC. 24. In all suits in the district court in which any will may be contested, appeals may be had from the final decree rendered therein, as in other suits in said district court. Appeal.

SEC. 25. The rights of infants, married women, or persons absent from the State, or of insane mind, or in captivity, shall not be concluded by the verdict of the jury, or the decree of the court thereon, mentioned in the twenty-first (21) and twenty-fourth (24) sections of this act; and such persons may, within two years after their respective disabilities are removed, and not thereafter contest by petition in the district court, and in the manner provided in the five (5) preceding sections of this act, the said verdict and decree. Certain parties not to be concluded by verdict of jury.

Authenticated copies of wills to have the same validity as wills.

SEC. 26. Authenticated copies of wills executed and proved according to the laws of any State or Territory of the United States, relative to any property in the State of Kansas, may be admitted to record in the probate court of any county in this State where any part of such property may be situated, and such authenticated copies, so recorded, shall have the same validity in law as wills made in this State in conformity with the laws thereof are declared to have: *Provided*, that when any such will or authenticated copy has been or shall hereafter be admitted to record in the probate court of any county in this State where any part of such property may be situated, a copy of such recorded will, with a copy of the order to record the same annexed thereto, certified by the probate judge under the seal of his court, may be filed and recorded in the office of the probate judge of any other county in this State where any part of such property is situated; and it shall be as effectual in all cases as the authenticated copy of said will would be, if proved and admitted to record by the court.

Other than the United States.

SEC. 27. A will executed, proved and allowed in any country other than the United States and Territories thereof, according to the laws of such foreign state or country, may be allowed and admitted to record in this State, in this manner and for the purpose mentioned in the following sections.

SEC. 28. A copy of the will and probate thereof, duly authenticated, shall be produced by the executor, or by any person interested therein, to the probate judge of the county in which there is any estate upon which the will may operate, whereupon said probate judge shall continue the motion to admit such will to probate, for the term of two months; and notice of the filing of such application shall be given to all persons interested, in some public newspaper printed or in general circulation in the county where such motion is made, at least three weeks successively, the first publication to be at least forty days before the time set for the final hearing of said motion.

Publication of notice of filing.

The court may order the copy filed, as if the will had been proved.

SEC. 29. If, on hearing, it shall appear to the court that the instrument ought to be allowed in this State, the court shall order the copy to be filed and recorded, and the will and the probate and record thereof shall then have the same force and

effect as if the will had been originally proved and allowed in the same court in the usual manner: *Provided*, however, that nothing herein contained shall be construed to give any operation or effect to the will of an alien, different from what it would have had, if originally proved and allowed in this State.

SEC. 30. After allowing and admitting to record a will, pursuant to the four preceding sections of this act, the court may grant letters testamentary thereon, or letters of administration with the will annexed, and shall proceed in the settlement of the estate that may be found in this State; and the executor taking out letters, or the administration with the will annexed, shall have the same power to sell and convey the real and personal estate, by virtue of the will or the law, as other executors or administrators with the will annexed shall or may have by law.

Letters testamentary or administration to be granted.

SEC. 31. No will shall be effectual to pass real or personal estate, unless it shall have been duly admitted to probate, or recorded, as provided in this act.

Will be probated or recorded.

SEC. 32. No lands, tenements or hereditaments shall pass to any devisee in a will who shall know of the existence thereof, and have the same in his power to control for the term of three years, unless within that time he shall cause the same to be offered for or admitted to probate; and by such neglect the estate devised to such donors shall descend to the heirs of the testator.

Three years necessary.

SEC. 33. A bond, agreement or covenant made for a valuable consideration by a testator, to convey any property devised or bequeathed in any will previously made, shall not be deemed a revocation of such previous devise or bequest, either at law or in equity, but such property shall pass by such devise or bequest, subject to the same remedies on such bond, agreement or covenant, for a specific performance or otherwise, against the devisee or legatees, as might be had by law against the heirs of the testator or his next of kin, if the same had descended to them.

Revocation.

SEC. 34. A charge or incumbrance upon any real or personal estate, for the purpose of securing the payment of money for the performance of any covenant, shall not be deemed a

Revocation.

revocation of any will relating to the same estate, previously executed, but the devise and legacies therein contained shall pass and take effect, subject to such charge or incumbrance.

SEC. 35. A conveyance, settlement, deed or other act of the testator by which his estate or interest in property previously devised or bequeathed by him shall be altered, but not wholly divested, shall not be deemed a revocation of the devise or bequest of such property, but such devise or bequest shall pass to the devisee or legatee the actual estate or interest of the testator which would otherwise descend to his heirs, or pass to his next of kin, unless in the instrument by which such alteration is made, the intention is declared that it shall act as a revocation of such previous devise or bequest.

Revocation.

SEC. 36. But if the provisions of the instrument by which alteration is made are wholly inconsistent with the terms and nature of such previous devise or bequest, such instrument shall operate as a revocation thereof, unless such provisions depend on a condition or contingency, and such conditions be not performed, or such contingency do not happen.

Revocation,

SEC. 37. A will executed by an unmarried woman shall not be deemed revoked by her subsequent marriage.

Provision for a child after executing a will.

SEC. 38. If the testator had no children at the time of executing his will, but shall afterwards have a child living or born alive after his death, such will shall be deemed revoked, unless provisions shall have been made for such child by some settlement, or unless such child shall have been provided for in the will, or in such way mentioned therein as to show an intention not to make such proviso; and no other evidence to rebut the presumption or revocation shall be received.

Revocation of a will.

SEC. 39. A will shall be revoked by the testator tearing, cancelling, obliterating or destroying the same, with the intention of revoking it, by the testator himself, or by some person in his presence, or by his direction, or by some other will or codicil in writing executed as prescribed by this act, or by some other writing signed, attested and subscribed in the manner provided by this act for the making of a will; but nothing herein contained shall prevent the revocation implied by law, from subsequent changes in the condition or circumstances of the testator.

SEC. 40. If, after the making of any will, the testator shall duly make and execute a second will, the destruction, cancelling or revocation of such second will shall not revive the first will, unless it appear by the terms of such revocation that it was his intention to revive and give effect to his first will, or unless, after such destruction, cancelling or revocation, he shall duly republish his first will.

Restoration of the first will.

SEC. 41. When a testator, at the time of executing his will, shall have a child absent and reported to be dead, or having a child at the time of executing the will, shall afterward have a child who is not provided for in the will, the absent child or the child born after the execution of the wills, hall take the same share of the estate, both real and personal, that they would have been entitled to, if the testator had died intestate, toward raising which portion the devisee and legatees shall equally contribute, [in] proportion to the value of what they shall respectively receive under the will, unless, in consequence of a specific devise or bequest, or of some other provision in the will, a different appointment among the devisees and legatees shall be found necessary, in order to give effect to the intention of the testator as to that part of estate which shall pass by the will: *Provided*, that, if such child supposed to be dead at the time of the execution of the will shall have a child or children, provision for whom is made by the testator, the other legatees and devisees shall not be required to contribute, but such child supposed to have been dead shall take the provision made for his child or children by the testator, or such a part thereof as the circumstances of the case in opinion of the court or [of] proper jurisdiction may think just and equitable.

Provision for an absent or supposed dead child.

SEC. 42. In settling the extent of the claim of any child as provided for in the preceding section, any portion of the estate of the testator received by a party interested by way of advancement, shall be deemed a portion of the estate, and charged to the party who has received the same.

Claim.

SEC. 43. If any provision be made for a widow in the will of her husband, it shall be the duty of the probate judge forthwith after the probate of such will, to issue a citation to said widow to appear and make her election, whether she will

Citation of the widow.

take such provision or be endowed of the lands of her said husband, and said election shall be made within one year from the date of the service of the citation aforesaid, but she shall not be entitled to both, unless it plainly appears by the will to have been the intention that she should have such provision in addition to her dower.

Election of the widow under the will, or retain her dower.

SEC. 44. The election of the widow to take under the will shall be made by her in person in the probate court of the proper county, except as hereinafter provided; and on the application by her to take under the will, it shall be the duty of the court to explain to her the provision of the will, her rights under it, and by law, in the event of her refusal to take under the will. The election of the widow to take under the will shall be entered upon the minutes of the court; and if the widow shall fail to make such election, she shall retain her dower and such share of the personal estate of her husband as she would be entitled to by law, in case her husband had died intestate, leaving children. If she elects to take under the will, she shall be barred of her dower, and take under the will alone, unless as provided in the forty-third section of this act: *Provided further*, that such election by the widow to take under the will shall not bar her of the right to remain in the mansion of her husband, and receive one year's allowance for the support of herself and children, as now provided by law, unless the will shall expressly otherwise direct.

A commission to be appointed.

SEC. 45. If the widow of the testator shall be unable to appear in court by reason of ill health, or is not a resident of the county in which said election is required to be made, it shall be the duty of the probate court, on an application made in her behalf, to issue a commission, with a copy of the will annexed, directed to any suitable person to take the election of said widow, to accept the provision of said will in lieu of the provision made for her by law; and it shall be the duty of the court, in said commission, to direct such person to explain to said widow her rights under the will and by law.

Insanity or imbecility of mind.

SEC. 46. If the widow or any testator shall be unable to make an election, by reason of insanity or imbecility of mind, it shall be the duty of the probate court, so soon as the facts shall come to the knowledge of the court, at any time within

one year after the death of the testator, to appoint some suitable person to ascertain the value of the provision made by the testator for her in his will, in lieu of the provisions made by law, and the value of her rights by law in the estate of her husband; and if the court shall be satisfied, on the coming in of the report of the person appointed to make such investigation, that the provision made by the testator for his widow, as aforesaid in his will, is more valuable and better for her than the provision by law, said court shall enter upon [the] minute book an election for said insane or imbecile widow, that she, by virtue of the proceeding herein provided for by the court, elects to take under the will of her husband, which election, when so made, shall have the same force and effect as provided in section (44) forty-four.

Probate courts to have power and authority to admit to probate any will.

SEC. 47. That the several courts of probate within this State shall have full power and authority to admit to probate any last will and testament, which such court may be satisfied was duly executed according to the provisions of the act upon that subject in force at the time of the execution of such last will and testament, and not revoked at the death of the testator, where such original will has been lost, spoliated or destroyed, subsequently to the death of such testator, and cannot be produced in court in as full, ample and complete a manner as such courts now admit to probate last wills and testaments, the originals of which are actually produced in court for probate.

Public notice to be given.

SEC. 48. In all cases where application shall be hereafter made to the probate court to admit to probate a will duly executed as aforesaid, and which has been lost, spoliated or destroyed as aforesaid, it shall be the duty of the party seeking to procure the same to give a written notice to all persons whose interest it may be to resist the probate, and who reside in the county where the testator resided at the time of his death, or to their agent or attorney, five days before the day on which such proof is to be made, or to give notice by petition in a newspaper printed or in general circulation in the county, thirty days before the day set for hearing such proof.

SEC. 49. In all such cases the said court shall cause the witnesses to such will, so executed and lost, spoliated or de-

Witnesses.

stroyed, and not revoked, and such other witnesses or any person interested in having such will admitted to probate [as] may desire, to come before such court; and such witnesses shall be examined by said probate judge, and their testimony reduced to writing, and filed by him in his court: *Provided*, that in all cases where it may be necessary so to do, in consequence of witnesses residing out of the jurisdiction of said court, or who reside within such jurisdiction, and who are infirm or unable to attend court, the court may order the testimony of such witnesses taken and reduced to writing by some competent person, which testimony shall be filed in said probate court.

SEC. 50. If the court, upon such proof, shall be satisfied that such last will and testament was duly executed in the mode provided by the law in force at the time of its execution, that the contents thereof are substantially proven, and that the same was unrevoked at the death of the testator, and has been lost, spoliated or destroyed subsequently to the death of such testator, such court shall find and establish the contents of such will as near as the same can be ascertained, and cause the same and the testimony taken in the case to be recorded in said court.

Duty of court in certain cases.

Validity.

SEC. 51. The contents of any such last will and testament, so found, established and admitted to probate as aforesaid, shall be as effectual to pass real and personal estate, and for all other purposes, as if the original will had been admitted to probate and record according to the provisions of this act; and such will shall in all respects be governed by the laws in force, relating to other wills, not only as relates to the contest of the same, but in all other matters.

Title to land.

SEC. 52. The title of any bona fide purchaser, without knowledge of a will to any land situated in this State, derived from the heir or heirs of any person, not a resident of this State at the time of his or her death, shall not be defeated by the production of the will of such decedent, unless such will shall be offered for record in the State within four years from the final probate and establishment of such will in the State or Territory in which it may have been admitted to probate:

Provided, that the rights of infants, married women or persons of insane mind and memory shall not be concluded by any delay or failure to record such will in this State, until two years after their respective disabilities are removed: *Provided further*, that no proceedings shall be had in this State to contest a will executed and provided according to the law of any State or Territory of the United States, or of any foreign country, relative to property in this State; but if the said will shall be set aside in the State, Territory or country in which it is executed and proved, the same shall be held of no validity in this State as to all persons claiming under said will, with notice of the same being set aside as aforesaid, and as to all other persons, from the time that an authenticated copy of the final order or decree setting the same aside is filed in the office of the probate judge of the county in which said will is recorded. Exceptions.

SEC. 53. When lands, tenements, hereditaments are given by will to any person for his life, and after his death to his heirs in fee, or by words to that effect, the conveyance shall be construed to vest an estate for life only in such part taken and a remainder in fee simple in his heirs. Life interest.

SEC. 54. Any estate, right, interest in lands or personal estate or other property acquired by the testator after the making of his will, shall pass thereby in like manner as if held or possessed at the time of making the will, if such shall clearly and manifestly appear by the will to have been the intention of the testator. Property acquired after making a will.

SEC. 55. Every devise of lands, tenements or hereditaments, in any will hereafter made, shall be construed to convey all the estate of the devisor therein, which he could lawfully devise, until it shall clearly appear by the will that [the] devisor intended to convey a less estate. Conveyance.

SEC. 56. When a devise of real or personal estate is made to any child or other relative of the testator, if such child or other relative shall die, leaving issue surviving the testator, such issue shall take the estate devised in the same manner as the devisee would have done if he had survived the testator, unless a different disposition shall be made or required by the will. Case of death.

SEC. 57. Where any part of the real estate of a testator shall descend to his heirs, by reason of its not being devised or disposed of by his will, and his personal estate shall be insufficient for the payment of his debts, the undevised real estate shall be first chargeable with the debts in exoneration, as far as it will go, of the real estate that is devised, unless it shall appear from the will that a different arrangement of his assets for the payment of his debts was made by the testator, in which case they shall be applied for that purpose in conformity with the provisions of the will.

Provision of debts.

Equalization

SEC. 58. When any estate, real or personal, that is devised, shall be taken from the devisee for the payment of the debts of the testator, all the other devisees and legatees shall contribute their respective proportions of the loss to the person from whom the estate is taken, so as to make the loss fall equally on all the devisees and legatees, according to the value of the property received by each of them, excepting all as provided in the following section.

SEC. 59. If in such case the testator shall, by making a specific devise or bequest, have virtually exempted any devisee or legatee from his liability to contribute with the others for the payments of the debts, or if he shall, by any other provision in the will, have prescribed or required any appropriation of his estate for the payments of his debts, different from that prescribed in the preceding section, the estate shall be appropriated and applied in conformity with the provisions of the will.

Exemption.

Certain claims.

SEC. 60. Nothing contained in the two preceding sections shall impair or in any way affect the liability of the whole estate of the testator for the payment of his debts, but the provisions of these sections shall apply only to the marshaling of the assets as between those who hold a claim under the will.

Contribution under section 41.

SEC. 61. Where any part of the estate of the testator descend to a child born after the execution of the will, or to a child absent and reported to be dead, under the forty-first section of this act, or to a witness to a will who is a devisee or legatee, under the eleventh section of this act, such estate and the advancement made to such child or witnesses shall,

for all the purposes mentioned in the three preceding sections, be considered as if it had been devised to such child or witness, and he shall accordingly be bound to contribute with the devisees and legatees as before provided, and shall be entitled to claim contribution from them accordingly.

Provision made in case of insolvency.

SEC. 62. When any of the persons who are liable to contribute toward the discharge of such debt, according to the provision contained in the four preceding sections, shall be insolvent or unable to pay his just proportion thereof, the others shall be severally liable to each other for the loss occasioned by such insolvency, each one in proportion to the value of the property received by him from the estate of the deceased; and if any one of the persons so liable shall die without having paid his proportion of such debt, his executors and administrators shall be liable thereof in like manner as if it had been his proper debt, to the extent to which he would have been liable, if living.

Contribution under certain cases.

SEC. 63. All cases arising under this act, in which devisee or legatee may be required to contribute to make up the share of any child born after the execution of the will, or of a child absent and reported to be dead, or of a witness to the will, or in which contribution is to be made among devisees, legatees and heirs, or any of them, may be heard and determined by petition filed in [the] probate court, allowing an appeal or a writ of error as in other cases.

Court may order and decree a sale of land.

SEC. 64. Nothing in the foregoing section contained shall prevent the court, when a sale of land aliened or unaliened by a devisee or heir is ordered for the payment of the debts of the estate, to make such order and decree for the sale of any portion of the aliened or unaliened lands as may be equitable between the several parties, and also to make such order of contribution, and such further order and decree as will fully settle and adjust the various rights and liabilities of the parties, which arise by reason of the alienation, or the order of sale, or otherwise.

Duty of executors.

SEC. 65. When a last will and testament is admitted to probate, or a will made out of this State, is admitted to record as hereinafter provided, and any lands, tenements or hereditaments are given or devised by any such will to the execu-

tors therein named, or any of them, to be sold or conveyed, or such estate shall be thereby ordered to be sold by such executors, or any of them, and one or more of the executors so named die, refuse to act, or neglect to take upon themselves the execution of the will, then all sales and conveyances of said estate by the executor or executors who took upon himself or themselves in this State the execution of the will, or the survivor or survivors of them, shall be equally valid as if the residue of the executors had joined in the sale and conveyance; but, if none of the executors named in such will take upon themselves the execution thereof, or if all the executors, who take out letters testamentary, die before the sale and conveyance of such estate, or die after the sale, and before conveyance is made, the sale or conveyance, or both, shall be made by the administrator, with the will annexed.

Duty of trustees.

SEC. 66. Where two or more trustees are appointed by will to execute a trust, and one or more of them die, the survivor may execute the trust, unless the term of the will expresses a contrary intention.

Probate court to appoint.

SEC. 67. If such will has not provided for the contingency of the death, incapacity or refusal of such trustee or trustees to accept or execute the trust, the probate court having probate of said will may appoint some suitable person or persons to execute the trust according to the will, who shall give bond with security, as provided in the sixty-ninth section of this act.

Trust created.

SEC. 68. Trust created by a will made out of this State, and relating to lands situate in this State, may, after the will is duly admitted to record in this State, be executed as hereinafter provided.

Trustee to give bonds.

SEC. 69. If a trustee is named in such foreign will, he may execute the trust upon giving bond to the State of Kansas in such sum and with such sureties as shall be approved by the probate court of the county in which said lands, or any part thereof, are situate, conditioned to discharge with fidelity the trust reposed in him: *Provided*, that, when the testator in the will, naming the trustee, shall have ordered or requested that bonds should not be given by said trustee, the bond shall not

be required, unless, from a change in the situation or circumstances of the trustee or for other sufficient cause, the court of probate shall think proper to require it.

Trustee appointed by a foreign court required to give bonds.

SEC. 70. If a trustee has been appointed by a foreign court, according to the laws of the foreign jurisdiction, he may execute the trust upon giving bond as provided in the preceding section, and satisfying the probate court of the county in which such lands, or any part of them, are situate, by an authenticated record of his appointment, that he has been duly appointed trustee to execute the trust.

Appointment of a trustee.

SEC. 71. The probate court of the county where the property affected by the trust is situated, may, when necessary, on application by petition of the party or parties interested, appoint a trustee to carry into effect a trust created by a foreign will, which trustee, before entering upon his trust, shall give bond, with such security and in such amount as such court shall direct.

Appointment of a guardian.

SEC. 72. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterward, to continue during the minority of the child, or for a less time; and every such testamentary guardian shall have the same power, and shall perform the same duties with regard to the person and the estate of the ward, and be subject to the provisions of the will.

Bond.

SEC. 73. Every such testamentary guardian shall give bond in like manner and with like condition as is required of a guardian appointed by the probate court: *Provided*, that, when the testator in the will, appointing the guardian, shall have ordered or requested that such bond shall not be given, the bond shall not be required, unless, from a change in the situation or circumstances of the guardian, or for other sufficient cause, the court of probate shall think proper to require it.

Verbal will valid.

SEC. 74. A verbal will, made in the last sickness, shall be valid in respect to personal estate, if reduced to writing, and subscribed by two competent disinterested witnesses, within ten days after the speaking of the testamentary words, and if it be proved by said witnesses that the testator was of sound

mind and memory, and not under any restraint, and called upon some person present at the time the testamentary words were spoken, to bear testimony to said disposition as his will.

Limitation.

SEC. 75. No mencupative will shall be admitted to record, unless the same shall be offered for probate within six months after the death of the testator.

SEC. 76. The expense of proving and recording wills shall be paid by the party at whose instance the same is done, and the witnesses and officers shall have the like fees for attendance and services as in other cases.

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Relating to both sexes.

SEC. 77. Every word in this act, importing the masculine gender, may extend and be applied to females as well as males; and every word importing the singular number only, may extend and be applied to the several persons or things as well as to person or thing; and every word importing the plural number only, may extend and be applied to one person or thing as well as to several persons or things: *Provided*, that no female, during her coverture, or life of the father of her child or children, shall, by virtue of this act, be authorized or empowered to appoint a testamentary guardian for any child she may have; and *Provided further*, that a suit instituted, under the provisions of this act, to contest a will, shall be brought in the county in which the same was proven and admitted to probate.

Suit instituted.

SEC. 78. The term "will," in this act, shall be construed to include codicils as well as wills.

SEC. 79. That, if any person or persons shall, either during the life of the devisor, testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or secrete any will, codicil or other testamentary instrument, whether the same relates to real or personal estate, or to both, or shall procure the same to be done, every such person shall, upon conviction thereof, be imprisoned in the penitentiary, and be kept at hard labor not less than one year, nor more than ten years, at the discretion of the court.

Penalty.

SEC. 80. That all prosecutions, under provision of this act, shall be by indictment or information before any court of competent jurisdiction of the county where the crime shall have been committed, and shall be conducted the same as other criminal proceedings.

Indictment or information.

SEC. 81. That an act entitled "An act relating to wills," approved February 9th, 1859, be and the same is hereby repealed.

SEC. 82. This act to take effect and be in force on its publication in the statute book.

Approved February 14, 1865.

S. J. CRAWFORD,
Governor.

CHAPTER LXXXVII.

WYANDOTTE COUNTY BONDS.

AN ACT concerning Wyandotte county court house bonds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the bonds heretofore issued by the county commissioners of the county of Wyandotte, Kansas, to Isaiah Walker, Esq., in payment for the court house and grounds, in said county, are hereby declared legal and binding against the county of Wyandotte, Kansas, according to the tenor and effect of said bonds.

SEC. 2. This act to be and remain in force from and after its publication in the Wyandotte Commercial Gazette.

Approved February 13, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Wyandotte Comnercial Gazette for Feb. 18, 1865.

R. A. BARKER,
Secretary of State.

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